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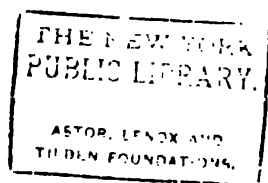
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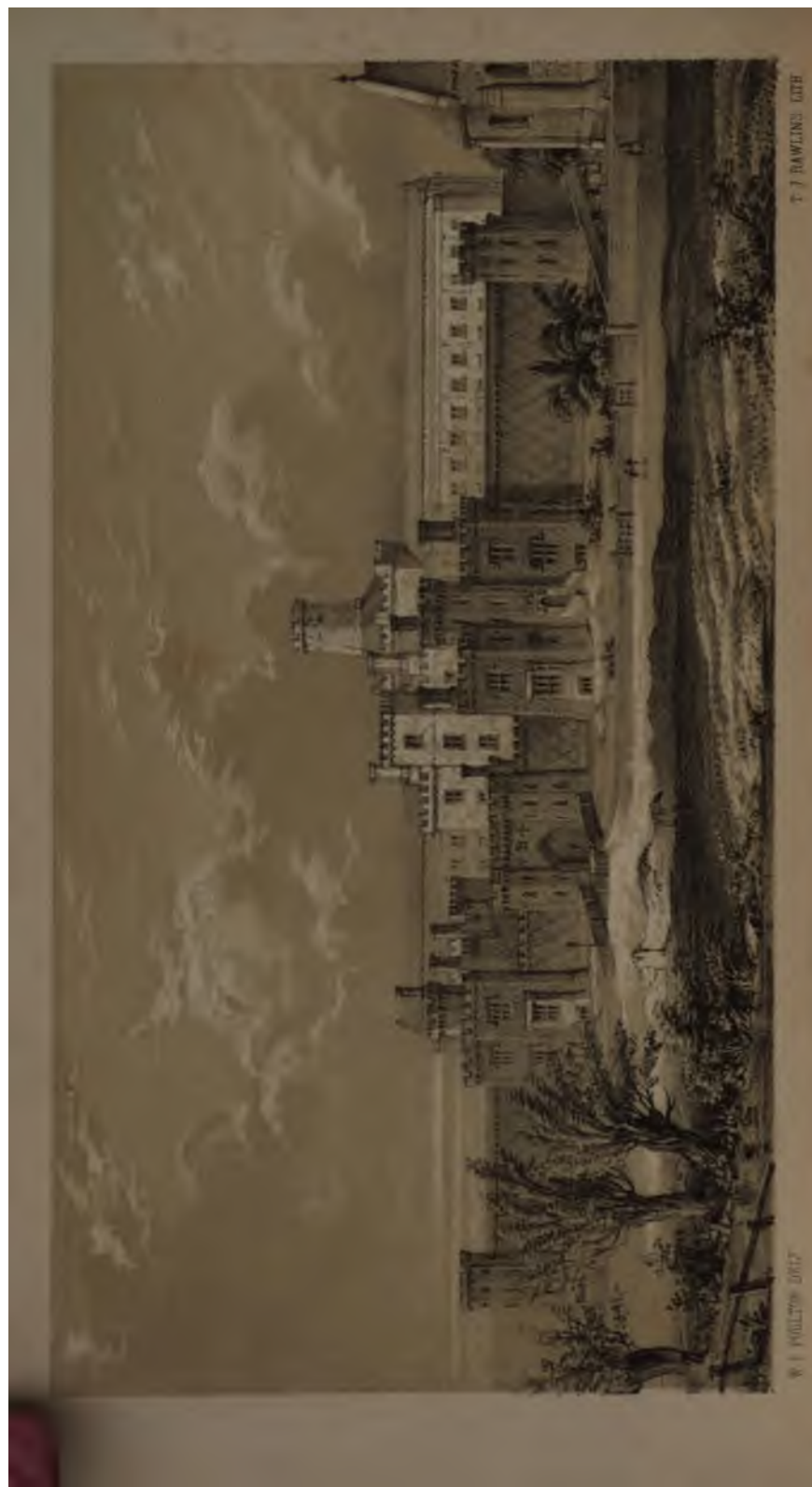
IN MEMORY OF HER BROTHER

RICHARD L. DUGDALE

SL
FIELD







PRISON DISCIPLINE ;
AND
THE ADVANTAGES
OF THE
SEPARATE SYSTEM OF IMPRISONMENT,
WITH A DETAILED ACCOUNT OF
THE DISCIPLINE NOW PURSUED
IN THE NEW
COUNTY GAOL, AT READING ;

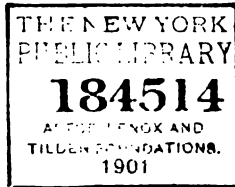
BY THE
REV. J. FIELD, M.A.,
CHAPLAIN.

" Parum est improbos coercere pœnâ, nisi probos efficias disciplinâ."

VOL. I.

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READING : R. WELCH.

MDCCCXLVIII.



TO THE MAGISTRATES OF BERKSHIRE,
WHOSE WISDOM, JUSTICE, AND HUMANITY,
INDUCED THEM TO SEEK THE IMPROVEMENT,
NOT LESS THAN THE PUNISHMENT, OF OFFENDERS, BY
ADOPTING THE SYSTEM OF SEPARATE IMPRISONMENT,
THIS ATTEMPT TO PROVE THAT THEIR EFFORTS
ARE NOT FRUITLESS,
IS MOST RESPECTFULLY DEDICATED, BY THEIR
FAITHFUL SERVANT,
THE AUTHOR.

PREFACE TO FIRST EDITION.

OF the various questions which particularly occupy attention in the present day, few are of equal importance to that of the once neglected, and by

ERRATA IN VOLUME I.

- Page 172, *for* trainings *read* training.
— 282, *for* *correctioni* *read* *correctionis*.
— 349, *for* *nilhil* *read* *nihil*.
— 367, *for* instructions *read* institutions.

task, and of the responsibility which attached to me as Chaplain of the first County Gaol which has been constructed and regulated upon the improved system of separate confinement, that I prepared a report at the last Quarter Sessions for this county. In that report I endeavoured faithfully to describe some of the present benefits and promising effects attending such a plan of criminal treatment. I expressed my opinion that it was calculated, as far as punishment can effect such a purpose, to prevent offences through the salutary dread with which it is regarded by the evil-disposed, but hitherto unde-

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PREFACE TO FIRST EDITION.

OF the various questions which particularly occupy attention in the present day, few are of equal importance to that of the once neglected, and by most persons as yet little understood, subject of Prison Discipline. Whether the thoughts be confined to the individual whom suspicion, or some proved offence, has subjected to restraint, or whether the mind extend its view of the inquiry to the influence on society in general, it is evident that to the moralist, the legislator, and the philanthropist, the condition and government of our gaols must appear both interesting and momentous.

It was with a deep sense of the importance of the task, and of the responsibility which attached to me as Chaplain of the first County Gaol which has been constructed and regulated upon the improved system of separate confinement, that I prepared a report at the last Quarter Sessions for this county. In that report I endeavoured faithfully to describe some of the present benefits and promising effects attending such a plan of criminal treatment. I expressed my opinion that it was calculated, as far as punishment can effect such a purpose, to prevent offences through the salutary dread with which it is regarded by the evil-disposed, but hitherto unde-

tected culprit, and by its corrective tendency to check the repetition of crimes in those who have already been convicted and punished ; and from the observations I felt called upon to offer, and the facts brought forward, I hoped it might appear to others, that as a punishment, both exemplary and corrective, the system of discipline now pursued in Reading Gaol is adapted to preserve the interests and to improve the character of society. Feeling confident in the accuracy of all I advanced, as the result of attentive observation and experience, I rejoiced that it was approved of by those, whose judgment, station, and influence, might render its publicity of some advantage : it was therefore with much pleasure that I complied with the following requisition :—

“The undersigned, Magistrates of the County, are of opinion, that it would be of public advantage if the Annual Report, presented by the Chaplain of Reading Gaol to the Court of Quarter Sessions, at Michaelmas, 1845, were printed, with such appendix and further remarks as may tend to general information on the important subject of Prison Discipline, and they suggest as a motto for the title page—
“*Parum est improbos coercere pœnâ, nisi probos efficias disciplinâ.*”

[Signed by the Chairman and Magistrates generally.]

A Second Edition of the Report, &c., having been called for, it has been suggested that some account of the former Prisons of Reading, showing in a mea-

sure their defective construction, and the dreadful evils which prevailed in those miscalled Houses of Correction, but really schools of vice, in contrast with our recent proceedings, and the happy effects of our present discipline, might be both pleasing and profitable. Most cheerfully, therefore, do I enter upon the present work, in the hope that it may in some degree tend to remove the prejudices which exist against a system so wise, humane, and just; and greatly indeed shall I rejoice if the facts I am enabled to bring forward may in any measure conduce to the extension of a system, which I am sure is blessed as a means of advancing the glory of God, and of promoting both the temporal and eternal welfare of our fallen fellow-men.

As therefore my object in writing is simply to convey such information as may, I trust, tend to practical results, I shall without hesitation make copious extracts from those authors who have directed their attention to the state of our prisons, and have given the public the advantage of their observations and advice. Men, some of them, whose Christian principles, patriotism, and philanthropy, induced them, at the risk and sacrifice of life, to penetrate the gloomy dungeons of past days, that they might bring to light the horrors, the misery, and vice which were there concealed—men whose wisdom demands that their opinions be respected, whilst their benevolence claims that their memory should be revered. Such were Howard and Wilberforce, and Buxton; and in

more distant days those members of a Gaol Committee, whose self-denial and sympathy the poet Thomson has commended—

* * " Can I forget the gen'rous band,
 " Who, touched with human woe, redressive search'd
 " Into the horrors of the gloomy jail ?
 " Unpitied, and unheard, where mis'ry moans ;
 " Where sickness pines ; where thirst and hunger burn,
 " And poor misfortune feels the lash of vice.

* * *

" O great design ! if executed well,
 " With patient care, and wisdom-temper'd zeal,
 " Ye sons of mercy ! yet resume the search—
 " Much still untouch'd remains ; in this rank age
 " Much is the patriot's weeding hand required."

Winter, 359-363.

It is because I know the two last lines I have transcribed are truly applicable to the present time, that I feel constrained by a sense of duty to afford the information which these pages may contain. Much does and must remain which requires to be removed, whilst criminal association in our gaols is permitted ; and uninfluenced alike by love towards God, towards his country, or his fellow-men, must be one, who knowing that every prison in the land in which such intercourse is suffered, is like the Upas diffusing its poison on all within its reach, does not, with all the power he may possess, exert himself to uproot it, and use every effort that one, which may prevent corruption and afford a moral remedy, may be implanted in its place. And if patriotism should

prompt the effort, surely compassion towards suffering victims themselves should enforce it still more. We denounce the punishment as barbarous which obliged criminals to gather the fruit of that deadly tree that bodily health or life might be destroyed ; but surely reproach would be more deserved, if the laws of a civilized and Christian land, whilst professing to correct offenders, should really, by persevering in the plan of penal treatment yet so common, almost compel them to collect the fruit of moral contamination, and probably thereby cause the eternal perdition of both soul and body.

But for the desire expressed by the Magistrates of the County that the report annexed should be republished at this time, I might have delayed the present work until longer trial of the system of separate confinement had given further evidence of its success. That success must result I cannot doubt. My experience of the inefficacy of other plans to accomplish the reformation of offenders and prevent the recurrence of crime, renders the corrective and deterring influence of our present discipline more conspicuous and convincing. Reasoning from some acquaintance with human nature, my expectations of good from such imprisonment were sanguine, but I may truly say, with thankfulness, that they have been more than realized in the proper feelings expressed by our prisoners, as well as in their apparent and in some cases proved repentance. Still I feel that although daily observa-

tion for eighteen months has afforded satisfactory proof to my own mind, yet it will be difficult to convince others, because that term of trial may appear too short ; and having had but few opportunities for personal inspection, many will probably be inclined on that account to suspend their judgment. On the other hand, I am not unmindful that the consequences of prison contamination are spreading like a noxious gangrene upon society, and demand an immediate remedy. Rewarded, indeed, will be the writer, if this effort should at all hasten its application.

PREFACE TO SECOND EDITION.

It is well for our country, and for the cause of morality and religion, that the feeling aroused in favour of penal reform has not been allowed to subside, and that the interest so generally excited in the improvement of our prisons has gradually increased. The inadequacy of all punishments before inflicted, either to check crime or to correct offenders, has been commonly acknowledged ; and legislators, and those entrusted with the administration of the law, however slowly, have become at length convinced that association in prisons, whatever restraints might be imposed, was necessarily demoralizing to the criminal, and as certainly dangerous to the community. Hence, notwithstanding the prejudices of some sincere, but ill-informed persons, and the parsimony of others, from whose view present expenditure eclipsed the prospect of future advantage, many have come forward, earnest in the advocacy of a cause in which was involved the welfare both of the public and of its prisoners. These have sought that a system which could only corrupt and destroy should cease to exert its deadly influence, and that another should be substituted, at once calculated to reform offenders, and to protect society. The separation of criminals has been insisted upon. Several prisons

have been constructed on plans for this purpose, and cellular imprisonment has now been adopted in England to a very considerable extent. Wherever it has been pursued the anticipations of good have been realised, and the reports of Magistrates, Chaplains, and of all conversant with the plan of its operations, have been most satisfactory : those best acquainted with its effects speak most loudly in its praise. It will therefore be my duty in the following pages, not merely to reason upon principles, but to allege proofs ; to contend against prejudices still cherished, to endeavour to convince opponents, and to confirm the opinions of those who approve, not so much by argument as by evidence. This, without doubt, must be most conclusive ; and since my object and hope in writing is not to afford entertainment, or mere information, but to produce some practical result, I offer this as my apology, should frequent quotations make these volumes appear to be rather a compilation than a publication of original matter. I would choose to be an useful editor in preference to a merely amusing author. If the extension of separate imprisonment be promoted by the observations and statements made, the writer will consider his purpose accomplished, and himself rewarded.

With the exception of the very interesting reports presented to Parliament by the Surveyor General, and by the Inspectors of Prisons, but few works on this important subject have appeared since the pub-

lication of my former edition. The reason of this is evident. Those best acquainted with Prison Discipline, and who alone are qualified to write upon the subject, are unwilling to incur the risk, or it may rather be said, to sustain the pecuniary loss which is almost the certain result of publishing on questions which comparatively few feel called upon to investigate. This deficiency of authorship has been indeed in some measure supplied by the evidence adduced before the recent Committee of the House of Lords on the execution of the criminal law, and which is now printed and placed in the hands of all members of the Legislature. It may, however, be feared that the very sight of three folio volumes will deter even anxious inquirers, whose time is limited, and whose engagements are many, from attempting to read them; and thus the valuable information contained in them might never be diffused, and the opinions therein expressed by all the Judges of the land, as well as by persons practically acquainted with our prison systems, might remain almost unnoticed and unknown. It is my earnest desire to prevent this, in some degree, by endeavouring to condense the most important evidence relating to the government of our gaols, and the correction of their inmates.

Numerous and very evident are the advantages which must result from that intercourse of nations on this momentous question which has been so much promoted by the establishment and subse-

quent discussions of the Congrès Pénitentiaire. As an humble member of that honourable and philanthropic body it was my privilege to be present at the late meeting at Brussels, and I may with confidence assert that none who, either by personal attendance there, or at Frankfort in the year preceding, or who by the perusal of the speeches made on those occasions and since published in France, have thus become acquainted with the design and effect of that association, can entertain a doubt but that it will further the progress and improvement of prison discipline, perhaps more than any other means, throughout the whole civilized world. But for those meetings, and the communications there made, by some officially deputed to represent their respective governments, and by other philanthropists, whose piety, compassion, and zeal for the general good impelled them thither, comparatively little would have been known of the interest with which, throughout Europe and America, this subject is now regarded, or of the results of experiments which have either failed or proved successful. In my endeavour to give a concise account of the progress of penal reform in various countries, I need do little more than extract from the speeches in which it is described either with official authority or with undisputed accuracy.

On the question of transportation—that subject of perplexity and painful reflection, in which errors have been committed which must entail lasting re-

proach, and for which, perhaps, no corrective measures at present can prove entirely remedial, it will be my duty to offer a few remarks. The correspondence laid before Parliament on this question has, thank God, produced the effect it ought. The transportation of convicts, as before practised, has, I trust, for ever been abandoned. Appalled by the vices which have been perpetrated, the government has wisely determined that criminals sentenced to this punishment should be first subjected to the corrective discipline of separate imprisonment; the present effect and probable consequences of which may be briefly considered.

If when the introduction to his former edition was written the author entertained some fear lest the opinions he put forth should appear crude, and his experience should seem to have been too short to warrant any confidence he expressed, it is with other feelings that he enters upon his present task. Unassuming as he desires to be in asserting the conviction of his own judgment, and in stating the inferences which have been forced upon his mind by the facts, which have either occurred under his own observation, or with which he has become acquainted through credible testimony; yet since his opinions have been proved correct, and the conclusions which were the result of careful investigation, though of limited experience, have been found true and confirmed by repeated enquiry and enlarged observation, it would be affectation to pretend a like diffidence, or to write

in a manner expressive of doubt and uncertainty on questions which have been decided by testimony and circumstances in a manner the most satisfactory and certain.

Whilst then the writer is conscious of his own weakness, both as a defender of right principles and as an advocate of what is good in practice ; whilst therefore he acknowledges his insufficiency for the important work which he feels called upon to undertake, yet emboldened by a belief that it is his duty, and strengthened by an assurance that it is the cause of truth, of justice, and of humanity, in which he is engaged, he prays for and depends upon the guidance of Him whose honour he seeks, and whose glory is concerned in the subject to which the following pages will be devoted.

CONTENTS.

CHAPTER I.

	Page
STATE OF PRISONS LAST CENTURY.—MINUTES OF SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE.—ESSAY OF DR. BRAY ON METROPOLITAN PRI- SONS.—HOWARD'S DESCRIPTION OF PRISONS AT READING.—FEMALE KEEPERS.—A CONDEMNED PRISONER.—THE GAOLER'S TAP.—KEEPER MURDERED IN TAP-ROOM.—PRISON OF ELY.—NO BEDDING IN PRISONS. —THEIR DIRTY CONDITION.—PRISON OF KNARESBOROUGH.—HOWARD'S CAUTION.—THE GAOL FEVER.—VILLAGE OF STOKE, BUCKS, DEPOPULATED BY IT.—THE BLACK ASSIZE.—HOWARD'S PRECAUTIONS.	1

CHAPTER II.

PRISON IN 1788.—THE TREADMILL.—EVILS OF THE SILENT SYSTEM.— CLASSIFICATION OF PRISONERS FUTILE.—EXTRACTS FROM REPORTS OF HOUSES OF LORDS AND COMMONS.—EVIDENCE OF PRISON OFFICERS AND OF PRISONERS.—OF MRS. FRY.—BISHOP OF TASMANIA.—M. M. DE BEAUMONT AND DE TOCQUEVILLE.—SIR PETER LAURIE.—BISHOP DAVYS. —ILLUSTRATIONS FROM SIR T. F. BUXTON.—FROM THE ORDINARY OF NEWGATE.	26
--	----

CHAPTER III.

EFFORTS TO OBTAIN A NEW PRISON.—PREVAILING VICES EXPOSED.—TESTI- MONY OF M. SUBINGAR.—CAPITAL OFFENCES PLANNED IN PRISONS.— COMMITTEE ON CHAPLAIN'S REPORT.—NEW GAOL PROPOSED AND CON- STRUCTED.—EXAMPLE COMMENDED IN LAW REVIEW.	63
--	----

CHAPTER IV.

PRISON ON SEPARATE SYSTEM DESCRIBED.—THE DEBTORS' PRISON.—OBSER- VATIONS ON IMPRISONMENT FOR DEBT, AND OPINIONS OF BECCARIA AND HOWARD...	73
---	----

CONTENTS.

CHAPTER V.

EXPENSE OF CONSTRUCTION, ETC.—OBJECT WORTHY THE COST.—TABLE
SHOWING DIMINUTION OF COMMITTALS.—TABLE OF COSTS.—SEPARATE
SYSTEM PREVENTIVE, CORRECTIVE, AND ECONOMICAL.—TWELVE OR
NINETEEN MONTHS' CELLULAR IMPRISONMENT SUFFICIENT... .. 85

CHAPTER VI.

PREJUDICES AGAINST SEPARATE SYSTEM.—WHENCE DERIVED.—EXPERI-
MENTS IN AMERICA.—MISTAKES CORRECTED.—MISREPRESENTATIONS
EXPOSED.—OBSERVATIONS OF REV. C. R. DEMME, THE INSPECTORS, AND
CAPT. MARRVATT.—THE SEPARATE SYSTEM IN ENGLAND.—AT HORSHAM.
—ANECDOTE OF LORD MANSFIELD.—THE SYSTEM AUTHORIZED BY THE
LEGISLATURE.—APPROVED BY SIR S. ROMILLY, WILBERFORCE, AND
HOWARD.—ORIGIN OF THE SYSTEM.—DRAUGHT OF A BILL, BY THE
SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE.—SEPARATION PRO-
POSED BY BUTLER AND PALEY.—PENITENTIARY AT GLOUCESTER,
MILBANK, AND PENTONVILLE.—THE SYSTEM DESCRIBED.—ITS ADVAN-
TAGES OF PRISONERS BEFORE TRIAL.—MRS. FRY. 99

CHAPTER VII.

THE DAILY ROUTINE.—DUTIES OF OFFICERS.—PRISONERS' OCCUPATIONS,
ETC... .. 151

CHAPTER VIII.

PRISONERS' EMPLOYMENT.—THE TREADMILL INJURIOUS.—EVIDENCE OF
MRS. FRY, COLONEL CHALLONER, MR. BARON ALDERSON, W. MERRY, ESQ.—
TREADMILL ABANDONED AT READING.—ADEQUATE PUNISHMENT PRO-
VIDED.—REMORSE MORE PAINFUL THAN BODILY SUFFERING.—EVIDENCE
OF THE LORD JUSTICE CLERK OF SCOTLAND.—LIGHT EMPLOYMENT UN-
SUITABLE.—AN ILLUSTRATION.—INDUSTRIAL TRAINING.—SYSTEM OF
PERTH AND READING PRISONS CONTRASTED.—AN EXAMPLE.—PUNISHMENT
MITIGATED BY LABOUR.—MANY COMMITTALS TO HEREFORDSHIRE PRISON.
—SECLUSION IN CELL DREADED BY VAGRANTS.—MORE PUNITIVE THAN
HARD LABOUR.—OPINION OF GOVERNOR OF BRIXTON HOUSE OF CORREC-
TION, HOWARD, BUXTON, MR. CRAWFORD, MR. ESTCOURT.—IDLENESS
CORRECTED BY THE SEPARATE SYSTEM.—TESTIMONY OF SIR G. O. PAUL,
M. M. DE BEAUMONT AND DE TOCQUEVILLE, DR. JULIUS, DEPUTATION
FROM FRENCH GOVERNMENT, A RESIDENT IN PHILADELPHIA, INSPECTORS
OF PRISONS. 160

CONTENTS.

CHAPTER IX.

CLEANLINESS.—ITS EFFECTS.—ITS MORAL RESULTS ON CAPT. COOK'S CREW.
—TESTIMONY OF BISHOP OF PETERBOROUGH.—DECENCY AND ORDER
PROMOTED.—PRISONER'S DRESS.—NUMBER AFFIXED TO CONCEAL NAME.
—THE CAP WITH PEAK CONCEALING FEATURES.—RECOGNITION OF
PRISONERS PREVENTED.—ANECDOTES SHEWING THE IMPORTANCE OF THIS.
—OBSERVATIONS OF INSPECTORS, BUXTON, DR. DODD.—EXTRACT FROM
PRISON THOUGHTS. 190

CHAPTER X.

PRISON DIETARIES.—OF PAST DAYS.—OF THE PRESENT.—SHOULD BE LIBE-
RAL, BUT NOT EXCESSIVE.—SHOULD BE MORE REGULATED BY MEDICAL
OFFICER IN PARTICULAR CASES.—EXCESSIVE ALLOWANCE TO JUVENILE
OFFENDERS.—CRIME INDUCED THEREBY.—AN EXAMPLE.—DISPARITY OF
DIFFERENT GAOLS. 203

CHAPTER XI.

HEALTH.—NECESSARILY ENDANGERED BY IMPRISONMENT.—LESS BY
SEPARATE SYSTEM.—EVIDENCE OF AMERICAN INSPECTORS, DR. BACHE,
DR. COATES, M. M. DE BEAUMONT AND DE TOCQUEVILLE.—A PHYSICIAN
IN PRISON.—DR. COOMBE.—INSPECTORS AND PHYSICIAN OF THE
BRIDEWELL OF GLASGOW.—COMMISSIONERS AND MEDICAL OFFICERS
OF THE PENTONVILLE PRISON, OF PERTH, OF READING, ETC. 210

CHAPTER XII.

MENTAL EFFECTS OF SEPARATE SYSTEM.—THE SOLITARY SYSTEM IN AMERICA
INJURIOUS, BUT THE SEPARATE FAVOURABLE.—EFFECTS OF THE SILENT
AND SEPARATE SYSTEMS CONTRASTED.—RESULTS IN ENGLAND ALL SATIS-
FACTORY.—EVIDENCE OF SIR G. O. PAUL, MR. PERRY, COMMISSIONERS,
CHAPLAIN AND PHYSICIAN OF PENTONVILLE.—COMPARISON WITH SOLDIERS.
EXTRACT FROM QUARTERLY REVIEW.—ATTEMPTS TO DECEIVE.—CASE
OF FEIGNED MADNESS, ANOTHER OF PRETENDED SUICIDE.—RESULTS
AT READING. 219

CONTENTS.

CHAPTER XIII.

SOME KNOWLEDGE OF PRISONER'S FORMER LIFE IMPORTANT.—SEPARATE SYSTEM ALLOWS TREATMENT TO BE ADAPTED TO DIVERSITY OF CHARACTER.—CRIMINALS, WHEN ALONE, SOON SUBDUED.—SEVERITY NOT REQUIRED.—THE MAN NOT DEGRADED.—CAPT. MACONOCHE AND CAPT. HAMILTON QUOTED.—FEELING OF SHAME DESTROYED BY VICIOUS COMPANY.—ILLUSTRATION OF PRISONER.—SHAME EXCITED AND INCREASED.—ITS CORRECTIVE TENDENCY.—OPINION OF MONTEGQUEIU, ADAM SMITH, BUTLER, BARROW.—INFAMY LIMITED TO DURATION OF IMPRISONMENT. ITS LONGER CONTINUANCE HURTFUL TO SOCIETY.—AN ILLUSTRATION. . 230

CHAPTER XIV.

JUSTICE OF PUNISHMENT SHEWN TO CRIMINALS.—CORRECTIVE DESIGN EXPLAINED TO THEM.—SUCH KINDNESS CORRECTIVE IN ITSELF.—EXAMPLES GIVEN BY MRS. FRY AT NEWGATE, AND BY M. SURINGAR AT MUNICH.—SENTENCE OF CRIMINAL SHOULD BE STRICTLY EXECUTED.—OPINION OF ADAM SMITH.—THE SUPREMACY OF THE LAW.—HYPOCRISY DISCOURAGED.—REFORMATION OBSTRUCTED BY UNCERTAINTY.—PUNISHMENT LESSENED BY IMPROVEMENT.—AN ILLUSTRATION.—OPINION OF BECCARIA, BISHOP SHERLOCK, ARCHBISHOP SANDYS.—CASE OF DR. DODD.—PROPRIETY OF HIS EXECUTION.—PARLIAMENTARY EVIDENCE.—REAL CHARACTER KNOWN WITH DIFFICULTY.—SUBMISSION NO TEST.—OPINION OF GOVERNOR OF SING SING PRISON.—DR. DAVIS.—AN ILLUSTRATION.—CORRECTION REQUIRES TIME.—SHOULD PRISONERS BE ASSOCIATED AS A REWARD!—OBJECTIONS STATED. 245

CHAPTER XV.

PUNISHMENTS FOR REFRACTORY PRISONERS REQUIRED.—FEW UNDER SEPARATE SYSTEM.—MAJORITY OF OFFENCES.—ATTEMPTS TO CONVERSE.—PUNISHMENTS DESCRIBED.—THE GAG OF PAST DAYS.—THE KNOT.—ANECDOTE BY HOWARD—THE DARK CELL CORRECTIVE. 270

CHAPTER XVI.

CONSCIENCE A MEANS OF CORRECTION.—ITS NATURE.—DORMANT IN MOST CRIMINALS.—BOUSED IN SECLUSION.—CERTAIN MEANS OF PUNISHMENT.—SEVERE.—INFLECTS SELF REPROACH, AND DOES NOT EXCITE REVENGE.—OTHERS PROTECTED THEREBY. 274

CONTENTS.

CHAPTER XVII.

TRUTHFULNESS.—ITS IMPORTANCE.—ACKNOWLEDGEMENT OF GUILT NEED-
FUL TO CORRECTION.—DECEITFULNESS OF PRISONERS IN GENERAL.—
OPINION OF BURNS, GURNEY, AND M. FERRIERE.—PRISONERS WHEN ASSO-
CIATED DISTRUSTFUL.—WHEN SEPARATED CONFIDING.—THIS FAVOURABLE
TO CORRECTION. 281

CHAPTER XVIII.

SOCIAL FEELINGS CORRECTED, AND THEN PROMOTED BY THE SEPARATE
SYSTEM.—MISANTHROPY EXCITED BY VICIOUS INTERCOURSE.—DODD'S
PRISON THOUGHTS ON THIS SUBJECT.—SYMPATHY WITH FELLOW-PRI-
SONERS.—WITH OTHER SUFFERERS.—CONDUCT OF PRISONERS ON THE
FAST DAY, 1847, ON ACCOUNT OF SCARCITY.—CONTRAST SHEWN IN CON-
DUCT OF CRIMINALS ASSOCIATED.—SOME SHOCKING ILLUSTRATIONS.—
SOCIAL INTERCOURSE MORE DESIRED.—FAMILY AFFECTION PROMOTED
AND CORRECTED.—EFFECTS EVIDENT.—LETTERS OF PRISONERS. . . . 287

CHAPTER XIX.

LIBERTY REQUIRES EDUCATION.—CRIME THE RESULT OF IGNORANCE.—
OPINION OF BISHOP SHERLOCK, BUTLER.—DUTY OF AFFORDING EDUCA-
TION.—SENSUALITY THEREBY PREVENTED.—EVIDENCE OF MR. JUSTICE
WIGHTMAN.—ROBERT HALL QUOTED.—ENERGY OF PRISONERS AN
ARGUMENT FOR THEIR INSTRUCTION.—TO WHAT EXTENT DESIRABLE.—
PURPOSE OF EDUCATION.—HOOKER.—OPINION OF LORD DENMAN.—
EDINBURGH REVIEW.—EFFECT OF EDUCATION IN SWITZERLAND.—RELA-
TION OF PUNISHMENT TO EDUCATION. 300

CHAPTER XX.

CAUSES OF CRIME RENDER CRIMINALS OBJECTS OF PITY.—EXTRACT FROM
THE PROVERBIAL PHILOSOPHY.—PRISONERS THEMSELVES INJURED.—
ASSOCIATION WITH THE MOST VICIOUS SOMETIMES CORRECTIVE.—
EXAMPLES AT NEWGATE, AT PRESTON.—EXPERIMENT DANGEROUS.—
EXTRACT FROM ESSAY OF A CONVICT, WRITTEN IN 1786.—THE SCRIP-
TURES CORRECTIVE.—DISREGARDED BY PRISONERS ASSOCIATED, EFFEC-
TUAL WHEN ISOLATED.—EVIDENCE OF INSPECTORS, M. M. DE BEAUMONT
AND DE TOCQUEVILLE, BARON DE CLOSEN.—PERVERSITY OF HUMAN
NATURE.—ADMONITION AND INSTRUCTION REQUIRED.—EXAMPLES,
LAFAYETTE AT OLMUTZ, A PRISONER AT READING.—OBSERVATIONS OF
MASON.—GENERAL OPINION OF CONGRES PENITENTIARE.—SCRIPTURAL
INSTRUCTION IMPARTS STRONGEST MOTIVES TO OBEY HUMAN LAWS.—
THE VISCOUNT LITFORD, THE REV. J. CLAY, AND THE KING OF SWEDEN
QUOTED. 316

CONTENTS.

CHAPTER XXI.

ADVICE AND INSTRUCTION SHOULD BE SUITED TO CHARACTER AND CIRCUMSTANCES OF INDIVIDUAL.—THE SEPARATE SYSTEM REQUIRED FOR THIS.—PERSONAL APPLICATION OF HOLY SCRIPTURE.—READING AND ATTENDANCE AT DIVINE SERVICE BECOME PLEASANT AND PROFITABLE.—DEMEANOUR OF PRISONERS DURING PUBLIC WORSHIP, AND SUBSEQUENT PROOF OF ATTENTION.—CRIMINALS SELDOM REFLECT.—ISOLATION NECESSARY FOR REFLECTION.—BISHOP JEREMY TAYLOR AND ARCHBISHOP TILLOTSON QUOTED.—STATEMENT OF A PRISONER, OF WRITER IN ENCYCLOPEDIA AMERICANA, OF MADAME DE STAEL.—THE SEPARATE SYSTEM COMPELS REFLECTION.—GRATITUDE EXCITED.—GOD'S OMNIPRESENCE AND PROVIDENCE TAUGHT.—SUCH TEACHING CORRECTIVE. . 341

CHAPTER XXII.

DISCIPLINE PROMOTED BY VISITS OF MAGISTRATES.—A DANGEROUS DUTY IN PAST DAYS.—SAFE AND PLEASANT NOW.—HOWARD'S ADMONITION. . 360

CHAPTER XXIII.

THE LIBERATED OFFENDER EXPOSED TO DIFFICULTIES AND MANY TEMPTATIONS.—THE PROVISION REQUIRED.—ORIGIN OF THE "PRISONER'S HOME."—SARAH MARTIN.—THE KING OF SWEDEN QUOTED. . . . 365

CHAPTER XXIV.

JUVENILE DELINQUENCY.—CAUSES.—PROPOSED REMEDY.—PROPRIETY OF MAKING THE PARENT SHARE THE PENALTY.—HARDSHIP IN SOME CASES.—ADEQUATE PUNISHMENT REQUIRED.—EFFECTS OF PLACING YOUNG OFFENDERS IN LONDON PRISONS.—CLASSIFICATION OF SUCH FUTILE.—JUVENILE WARD COMMONLY THE WORST.—CELLULAR IMPRISONMENT WITH CORRECTIVE INSTRUCTION RECOMMENDED.—AN ASYLUM SUBSEQUENTLY.—CHAPLAIN OF LEWES GAOL QUOTED. 369

CHAPTER XXV.

JUVENILE OFFENDERS.—SIR J. S. PAKINGTON'S BILL.—DIFFICULTIES OF MAGISTRATES.—OFFENCES SHOULD BE FOLLOWED BY PUNISHMENT.—PLAN OF RECORDER OF BIRMINGHAM.—CORPORAL PUNISHMENT.—THE PHILANTHROPIC, STRETTON-UPON-DUNSMORE, PARKHURST, METTRAY.—FRENCH PENAL CODE; THE SIXTY-SIXTH ARTICLE.—LA BOQUETTE.—INFANTS INCAPAX DOLI.—INFANTS HAVING KNOWLEDGE LIABLE TO PENALTY.—PARENTS COMMONLY RESPONSIBLE.—PLAN PROPOSED.—SEPARATE CONFINEMENT IN REFORMATORY.—A REFUGE.—BRIDGENORTH AGRICULTURAL SCHOOL. 380

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CHAPTER I.

STATE OF PRISONS LAST CENTURY.—MINUTES OF SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE.—ESSAY OF DR. BRAY ON METROPOLITAN PRISONS.—HOWARD'S DESCRIPTION OF PRISONS AT READING.—FEMALE KEEPERS.—A CONDEMNED PRISONER.—THE GAOLER'S TAP.—KEEPER MURDERED IN TAP-ROOM.—PRISON OF ELY.—NO BEDDING IN PRISONS.—THEIR DIRTY CONDITION.—PRISON OF KNARESBOROUGH.—HOWARD'S CAUTION.—THE GAOL FEVER.—VILLAGE OF STOKE BUCKS, DEPOPULATED BY IT.—THE BLACK ASSIZE.—HOWARD'S PRECAUTIONS.

It is not the design of my present work to give a particular description of the punishments inflicted in far distant days, or to cite at any length the records of prisons in which vices prevailed and cruelties were practised, but all discipline neglected. Still it may be interesting, and not altogether unprofitable, to shew in a few pages the condition of the prisons of England during the last century, and to observe how little improvement had been effected up to a very recent period. Yet so little appears to have been the interest taken in prisoners themselves, or in the places of their custody, that the sources of accurate information are scanty, and what we can learn is derived rather from incidental notices than from any designed treatises on the subject. In this and subsequent chapters I shall occasionally refer to some of these; at present I confine myself to some in-

teresting and authentic statements descriptive of prisons at the very beginning of the last century, contained in the minutes of the venerable Society for Promoting Christian Knowledge.*

On the 12th January, 1701-2, a committee of the society was appointed to visit the apartments of the prisoners in Newgate. In the following week Dr. Bray, who was one of the committee, reported that he and the other members had visited the prison, and would go thither again ; and that " being affected with the sight of so many miserable objects of pity, they had thought fit to distribute some monies amongst them." The society not only reimbursed the visitors, but empowered them to render further assistance of the same kind, and to supply books and tracts to the prisoners. Dr. Bray, it is further stated, made great exertions on behalf of the prisoners, and wrote an essay enforcing the better regulation of Newgate, and the other prisons in

* It is only within these few days that the mention of these interesting facts has been discovered in some manuscript records, which, though safe in the society's offices, have long been unnoticed. I am indebted for the perusal of them, and for the extracts to the Rev. T. Boyle Murray, the secretary of the society, who having observed them, most kindly gave me information. I am pleased to add, that it is Mr. Murray's intention to publish a " History of the Society for promoting Christian Knowledge," a work which will be, read with much interest, and in which this early attention to the bodily wants and spiritual destitution of prisoners will be referred to, amongst the many other charitable acts of this truly philanthropic society.

and around London. The state of those gaols may be in some measure learnt from the abuses to which he referred :—1. The personal immorality of the keepers and under-officers. 2. Their confederacy with prisoners in their vices. 3. The unlimited use of wine, brandy, and other strong liquors, even by condemned malefactors. 4. Swearing and gaming. 5. Old criminals corrupting new comers. 6. Neglect of all religious worship. Other enormities are described, of which I cannot here speak, but for permitting which the keepers are reported to have been regularly paid.

Well had it been if the remedies proposed by this excellent man had been at that time adopted. They are judicious, and such as, for the most part, are now applied. Great stress is laid in these proposals on the importance of appointing certain magistrates to visit the prisons at least once a week, to take account of their state, and to pay careful attention to the characters of the officers set over the prisoners. It is also recommended that the salaries of prison chaplains should be a sufficient maintenance and encouragement for their constant attendance; that by means of some daily occupation, in which the prisoners may be employed, they may acquire habits of industry; that all the prisoners who can read be furnished with Bibles, Prayer Books, and works of devotion; that morning and evening prayer be read in all prisons every day in the week, and suitable sermons preached every

Lord's Day ; that the Sacrament of the Lord's Supper be administered monthly, and that the minister be very careful to apply himself to each communicant in examination and instruction, after sufficient notice given of his inclination to receive. This valuable document, penned one hundred and forty-seven years since, concludes with the following earnest appeal :—

“ It is very much hoped that the Right Honourable the Lord Mayor and the Sheriffs of the City of London will take this whole matter into their special consideration ; considering that the reformation of prisons may much contribute to the reformation of the public. For prisons are one great part of our correction for criminals, and, if well managed, may prove effectual to their amendment : whereas, for want of discipline, it now generally happens that prisoners are made much worse by them ; and if an innocent person be committed by misfortune or mistake, he is commonly corrupted, and turns profligate.*

* It is truly pleasing to give publicity to facts which may tend, in some measure, to shew that our forefathers were not all destitute of feeling towards offenders. Had the late Sir James Mackintosh seen these records, he would have qualified his eloquent severity, when, at a meeting of the Prison Discipline Society, in 1821, the Duke of Gloucester, Lord Calthorpe, and Lord John Russell, having spoken, he said—“ Mr. Howard was the first who caused the stream of sympathy to flow in this direction ; for, before his time, the matter was *overlooked*, or the only sentiment entertained was

“Care in this affair is more particularly recommended to the city of London, both because prisoners are here in greater number than in other places, and because the example of this capital city is like to have an influence upon the whole kingdom.”

But although vices of such an aggravated character seem to have commonly prevailed, we do not find from the society's minutes that its pious efforts produced much effect, or that the excellent suggestions were adopted.

This committee afterwards report that they visited the Marshalsea prison, where they found much privation and distress, both temporal and spiritual. In dealing with this case they gave money for supplying the bodily necessities of the prisoners, which were extreme, raised funds for the services of a clergyman and for a pulpit and desk in the prison, and used all their influence with the government to remedy that crying evil,—inattention to the classification of prisoners and convicts.*

a kind of stupid abhorrence of every one who was merely accused of a crime. It was not till then that the true principle and object of penal inflictions was acknowledged to be, not the gratification of human vengeance, nor the anticipation of eternal justice, but simply the prevention of crime.”

* In their efforts for prisons and prisoners, the members in London received much encouragement and support from the Christian zeal of benevolent persons in the country. This appears by the abstracts of letters in the society's possession; especially of communications from Bristol, respecting the liberal aid rendered in this behalf by Mr. E. Colston, a worthy philanthropist of that city.

To the minister either of justice or religion, whose duty and privilege it is to superintend the arrangements of a gaol conducted on the system of separate confinement ; and who is enabled either from his own experience, or through the description of others, to contrast the cleanliness, order, and, above all, the moral discipline which therein prevail, with the confusion, the filthiness, and demoralization, which in times past rendered our prisons both the disgrace and scourge of our land, it must be difficult to find an object of comparison which shall adequately express the rapidity and extent of the improvement. Nothing perhaps can more suitably represent its progress than the change which science and art have introduced in the means of locomotion. Yet this similitude in one respect must fail. We cannot revert to the time when man's ingenuity had not contrived some mode of conveyance adapted to his purpose ; but truly we may look back to even recent days, when the prisons of our land, instead of fulfilling the design of the law in correcting offenders and repressing crime, were like foul dens, in which ferocity was unrestrained—dungeons of wretchedness and iniquity, in which the vicious became yet more depraved, and where crimes of every description were encouraged and increased. That such a statement does not represent the truth in colours too dark and dismal, I believe will be admitted, if I here transcribe the account given by Howard of the prisons of Reading when visited by him in the years 1773-4-6-& 9.

COUNTY GAOL AT READING.

GAOLER—The Widow WISEMAN ;^(a) after her JOHN HILL ;
now his Widow.

Salary, £20.
Fees, Debtors, £0 16s. 10d.
Felons, 0 14s. 4d.
Transports, £2 2s. 0d. each.
Licence, Beer and Wine.^(b)

PRISONERS,

Allowance, Debtors, none.
Felons, three pence a day each.
Garnish, Debtors, £0 5s. 6d.
Felons, 0 2s. 6d.

Number,	Dbtrs. Felons, &c.			Dbtrs. Felons, &c.		
1773, Dec. 11	11	11.		1776, Nov. 1	3	8
1774, July 29	10	6.		1779, April 21	9	9
1776, Jan. 1	9	15.		Impressed Men	19	

CHAPLAIN, Rev. Mr. WEBSTER.

Duty, Sunday and Wednesday.
Salary, £31 10s. 0d.

SURGEON, Mr. TYLLEARD.

Salary, £10 for Gaol and Bridewell.

“Debtors and felons have their courts separated by iron rails. The former have a kitchen : and for the master’s side many rooms ; but no free ward. Felons have a day-room for men and women. The night-room for men is a large dungeon down four steps : the prisoners broke out lately. A separate night-room for women. The turnkey has now a lodging-room, over the felons’ dungeon, with an

alarm bell; so that an escape may be more difficult.^(c) There is lately fitted up a small room for an infirmary; and another room or two: but no provision made for separating men felons at night; nor for common-side debtors. There is a room used for the gaoler's poultry. Transports had not the King's allowance of 2s. 6d. per week. No table of fees. Clauses against spirituous liquors not hung up. No straw. The common-side debtors pay 1s. 6d., and the master's-side 2s. 6d. a week for lodging. The chapel is much too small.—I observed at my last visit, that the act for preserving the health of prisoners was painted on a board in the debtors' court.

“About six years ago a gentleman sent to this gaol for the prisoners thirty-six rugs or coverlets: most of them now worn out.”^(d)

“When felons come to this prison, they are washed and put on clothes provided by this county. The men have a Russia-drab coat and breeches, a flannel waistcoat, two check shirts, and two pair of yarn hose. The women, a linsey woolsey gown and petticoat, a flannel petticoat, two dowlas shifts, two pair of yarn hose. Their own clothes are ticketed and hung up till the Quarter Sessions or Assizes; when they put them on again to appear in on trial. Afterwards the county clothes are washed, mended, and purified in an oven, for the use of future criminals. The clothing aforesaid for twenty men and five women cost only 26*l.* 6*s.* 8*d.*

"The following verses are written over the debtors' grate to the street :—

Oh ye whose hours exempt from sorrow flow,
Behold the seat of pain, and want, and woe :
Think, while your hands th' entreated alms extend,
That what to us ye give, to God ye lend.*

COUNTY BRIDEWELL, READING.

"This is also the town bridewell. It was formerly a church,^(c) and is a spacious room, with four small dark huts on one side for night-rooms. The county pays rent to the corporation. It is dirty,^(f) and out of repair. Women and men are together in the day time. No court : no water :^(g) allowance to felons, three pence a day ; and to petty offenders, two five-farthing loaves each, every Sunday, and one every week-day. Keeper's salary, 18*l.* from the county : 2*l.* from the town : fees 4*s.* 4*d.* no table : licence for beer : half the profit of the prisoners' work : 2*l.* a year to find them straw. Clauses against spirituous liquors hung up : and there were painted on a board, some orders to be observed in the bridewell, approved by J. P. An-

* On a late visit to Dover, I observed similar lines inscribed over a box near the Castle Prison, to which attention was called by means of a bell. On enquiring of the warder I ascertained, that until very lately all that was thus collected was spent in drunkenness and debauchery. The expenditure is now somewhat more under the controul of the authorities, but the propriety of exciting mistaken charity by a statement contradicted by facts, I suppose few will defend.—*See ch. iv.*

draws, and Fred. Collins, Justices at the Quarter Sessions, April 28, 1778.

1776	Jan. 1,	Prisoners	6
—	Nov. 1,	—	6
1779	April 21,	—	7

READING TOWN GAOL OR COMPTER.

“Three rooms in a public house (the Reading Arms) belonging to the town. The eldest sergeant has generally the refusal of it. No court : no water. Felon’s allowance, three pence a day. Keeper no salary : fees, 4s. 4d. no table.

1776	Nov. 1,	Debtors	2
1779	April 21,	No Prisoners.	

^(a)That women should have been keepers of gaols, and intrusted with the management of dissolute prisoners for debt, and felons of character so desperate, that numbers were adjudged to be unfit to live, may well excite surprise ; yet this is by no means a singular instance. At the time this account was written, the county gaols of Worcester, Chelmsford, Horsham, Monmouth, Gloucester, Exeter, Bodmin, and Brecon, were respectively under the custody of a woman.

This circumstance alone might account for the absence of all proper discipline ; yet it appears strange that whilst so many cruelties were practised, even the safe custody of criminals was so little ensured. An anecdote may illustrate this remark. In those times, when the sanguinary nature of the penal

code caused executions to be so frequent as to prevent that salutary terror and ignominy, with which death on the scaffold ought ever to be regarded ; it was customary to remove the condemned in carts to a place about three miles distant from Reading, still known as Gallows Common, where the last penalty of the law was inflicted. The following statement, which I have received from good authority, may in some measure shew the low estimate in which human life was held, and the cruel manner in which it was sometimes sacrificed as a thing of little worth :—A man towards the close of the last century was convicted of horse-stealing, and sentenced to be hanged. A respite was however granted, and the officers of justice supposing him to be spared, and that he would never be the victim of that atrocious law, allowed him to be engaged in the service of the gaol ; he was a sort of prisoner at large, often sent on errands, and engaged in similar occupations, which afforded daily opportunities for escape. To the surprise of himself and others, after more than two years had been thus spent, an order for his execution arrived ; he was at once conveyed to the scene of slaughter, and within a few hours had ceased to live.

^(b)This most demoralizing custom of licensing gaolers to sell beer, &c., appears to have been almost universal. The Gaol Committee, in 1729, after speaking of many evils resulting from the keepers having the advantage of the tap-house, further state,

that "To advance the rent thereof, and to consume the liquors there vended, they not only encourage riot and drunkenness, but also prevent the needy prisoner from being supplied by his friends with the mere necessities of life, in order to increase an exorbitant gain to their tenants."

"Gaolers who hold, or let the tap, find their account in not only conniving at, but promoting drunkenness and midnight revels. What profligate and debauched company of both sexes do we see let into our gaols that the tap may be kept running!"—*Howard's State of Prisons*, p. 31.

On revisiting the gaols of this county, in 1789, Mr. Howard found that the old keeper of the Windsor Castle Prison had been murdered by his prisoners in his tap-room.—*Brown's Life of Howard*, p. 550.

Soon after this time the sale of beer by the gaolers was prohibited (24 Geo. III., cap. 54), and it became the practice to allow some addition to their salaries "in lieu of the tap;" but in 1788, when Mr. Howard revisited the prisons of England, he found that the design of this was frustrated by the debtors, who became, in many prisons, venders of beer, &c. Thus at Newgate—"I found some of the debtors had in their apartments casks of beer for sale; and on the felons' side a person stood with cans of beer." And in the conclusion to his second book he writes—"Though the gaolers taps are abolished, yet are not publicans continually

waiting to serve the prisoners, and their company? Is not beer *now* sold by the debtors? and do not the turnkeys keep *shops* in the gaols? * * * How many prisoners, together with their keepers, have I known destroyed by drinking, and how many convicts going out of the world in a state of intoxication!"

^(c) This preventive was more merciful than that commonly resorted to, of loading the prisoners with heavy irons—a punishment most oppressive and painful—indeed, so merciless were many of the keepers of that day, that they appear to have invented means the most cruel for securing their pitiable victims. The following is given in Howard's description of the Prison of Ely :—" This gaol, the property of the bishop, who is Lord of the franchise of the Isle of Ely, was in part rebuilt by the late bishop about fourteen years ago; upon complaint of the cruel method, which, for want of a safe gaol, the keeper took to secure his prisoners. This was by chaining them down on their backs upon a floor, across which were several iron bars; with an iron collar with spikes about their necks, and a heavy iron bar over their legs. An excellent magistrate, James Collyer, Esq., presented an account of the case, accompanied with a drawing, to the King; with which his Majesty was much affected, and gave immediate orders for a proper inquiry and redress."

^(d) Disgraceful as it must appear that, excepting

this charitable, but very insufficient supply, no provision of bedding or even of straw on which to lie should have been made, yet the prisons of Reading were not more neglected than others. Howard states that "In many gaols, and in most bridewells, there is no allowance of bedding or straw for prisoners to sleep on; and if by any means they get a little, it is not changed for months together, so that it is almost worn to dust. Some lie upon rags, others upon the bare floors. When I have complained of this to the keepers, their justification has been, 'The county allows no straw; the prisoners have none but at my cost.'" No less than forty-one prisons are described in his account of the Prisons of England, as being totally unfurnished in this respect; whilst the scanty allowance in many others scarcely rendered the accommodation preferable. In the County Gaol of Durham, for instance, Howard states that "The men are put at night into dungeons: one, 7 feet square, for three prisoners: another, the *Great Hole*, 17 feet by 12, has only a little window. In this I saw six prisoners (in 1776), most of them *transports*, chained to the floor. In that situation they had been many weeks; and were very sickly. *Their straw on the stone floor almost worn to dust.* There is another dungeon for women-felons, 12 feet by 8; and up stairs a separate room or two."

(^c)The Chapel of the Friary. This is still the Town Bridewell.

“The state of many prisons in this respect was too disgusting to be imagined. The following is the description of a prison at Knaresborough :—“It is under the hall : of difficult access : the door about 4 feet from the ground : only one room, about 12 feet square : window 17 inches by 6 : earth floor : no fire-place : very offensive ; a common sewer from the town running through it uncovered. I was informed that an officer, confined here some years since, for only a few days, took in with him a dog to defend him from vermin ; but the dog was soon destroyed, and the prisoner’s face much disfigured by them.”

“Seventy-seven other prisons are enumerated by Howard, in which no more water was provided than was required to drink.

Although in this description little has been said of the vile enormities which were generally perpetrated in the prisons of those days, yet we cannot suppose these to have been more free from them than others, of which our author states, “The inmates of them become desperate, and come out fitted for the practice of any villany.” * * “Discharged offenders spread disease and vice wherever they go ; and instead of being amended become an aggravated evil to society.” * * “Many may date the total loss of every principle of honour and virtue from their confinement in these schools of wickedness.” Speaking of prisons in general at that period

it might well be said that, though sometimes called hospitals for patients labouring under moral diseases, they were really of a kind which might rather be compared to the plague-houses in the East, in which every person afflicted with that mortal disorder is sure to perish; and he who is sent there without yet being attacked, is sure to be infected. The awful inscription which the Bard of Florence tells us he read over the gates of the infernal regions* would have found a fit place over the entrance of these moral lazarettos, intended for punishment and for the prevention of crime, but in reality generating it, and effecting the total ruin and corruption of their unhappy inmates.† And in further confirmation of this truth, the following passage is quoted:—"The misery of gaols is not half their evil; they are filled with every corruption which poverty and wickedness can generate between them, with all the shameless and profligate enormities that can be produced by the impudence of ignominy, the rage of want, and the malignity of despair. In a prison the awe of the public eye is lost, and the power of the law is spent; there are few fears; there are no blushes. The lewd inflame the lewd; the

* " Through me you pass into the city of woe :
Through me you pass into eternal pain,
Through me among the people lost for aye.

* * * * *

All hope abandon ye who enter here."—*Dante*.

† Lieber's preface to Penitentiary System, &c.

audacious harden the audacious. Every one fortifies himself as he can against his own sensibility, endeavours to practise on others the arts which are practised on himself; and gains the kindness of his associates by similitude of manners."—*The Idler*, No. 38.

These statements, I fear, were applicable to the prisons of England of that day with scarcely an exception.* But in the particular account of those

* Although at this time some of the Continental prisons were, as respects their condition and demoralization, equally disgraceful; yet on the whole they appear to have been better conducted than our own. Those of Holland, in particular, were models which might well have been copied; concerning them, Howard says, "I leave this country with regret, as it affords a large field for information on the important subject I have in view. I know not which to admire most, the neatness and cleanliness appearing in the prisons, the industry and regular conduct of the prisoners, or the humanity and attention of the magistrates and regents.

About forty years after the above was written, I find the following remarks of Sir T. F. Buxton:—"Great Britain may become in this, as she is in so many other branches of political wisdom, an example to the surrounding nations; instead of being (as was observed by a foreign gentleman well acquainted with the subject, as he went round Newgate), an instructive warning of principles to be rejected, and practices to be avoided in the management of prisons."—*Prison Discipline*, p. 183.

Although at the present day with reference to Arts and Sciences, and I hope religion and morals, we may rank chief among the nations; yet as respects our penal arrangements

at Reading and others, I observe that whilst the benevolence of Howard prompted him to expose the wretchedness, it also induced him to conceal the vices which prevailed. It cannot be supposed that this was occasioned by any mistaken kindness, or through indifference towards morality or religion. His zeal for God was not less ardent than his desire to advance the welfare of men by relieving the distress he witnessed. But there was prudence in the course pursued. The exposure of vice on all occasions might have excited the ill-will of authorities, and thereby have prevented the accomplishment of his purpose. Again, the times were those in which the claims of compassion could be pleaded with success, whilst those of religion were disregarded

and prison discipline, we must concede the palm to others. I felt this recently when conversing with a member of the Chamber of Deputies, who has devoted much time and talent to the improvement of prisons in France, and he observed, "My country cannot in many things boast of being equal to this, but I am proud that as respects our prisons, we surpass you." At the same time he admitted that no superiority could be claimed over those prisons of ours, in which the system of separate confinement is pursued.—*Note to 1st Edition.*

I rejoice to add in this edition, that so rapid has been the spread of the separate system in England, during the last two years, that the same honourable member was induced to express an opinion far different at the late Congrès Pénitentiaire, at Brussels. Indeed, I trust that the day has now arrived in which we may see accomplished what Buxton above predicted as possible.

and too often scornfully rejected.* A charge of fanaticism might have been fatal to his efforts.

* It is interesting to trace the resemblance of character in the two contemporary philanthropists, Howard and Wilberforce. The probable motive I have mentioned, I have since found was the very argument urged by the latter for not introducing a religious question connected with the treatment of condemned criminals. "To bring forward such a motion," was his answer when it was pressed upon him, "would lead to much profane ribaldry, and to no good result. You could only argue it upon grounds to which the great mass are altogether strangers."—*Life of Wilberforce*, Vol. 3, p. 84.

The very same feeling seems to have influenced some philanthropists in France. Thus, de Beaumont and de Toqueville observe, "For a long time those who have raised their voices in France in favour of prison reforms, have called public attention simply to clothing, food, &c.; at present the work of those must commence who believe that there is in the discipline of prisons a moral part, which must not be neglected." And again, "It cannot be denied that there are with us generous individuals, who, endowed with profound sensibility, are zealous to alleviate any misery, and to heal the wounds of humanity; so far, their attention, exclusively occupied with the physical condition of the prisoners, has neglected a much more precious interest, that of their moral reformation. It is clear, however, that, called to this field, their charity would not be tardily dispensed, and their efforts would undoubtedly be crowned with some success. But these sincere philanthropists are rare; in most cases, philanthropy is with us but an affair of the imagination. The life of Howard is read, his philanthropic virtues are admired, and it is confessed that it is noble to love mankind as he did; but this passion, which originates in the head, never reaches the heart, and often evaporates with the productions of the pen."

Caution was therefore requisite. The removal of evils which none desired to perpetuate, would prepare the way for the introduction of blessings infinitely more important. But had the latter been first attempted, the obstacles might have been insurmountable, and all endeavours vain.

—————"Men may outrun
By violent swiftness, that which they run at,
And lose by over-running."

In his second work on prisons, Mr. Howard, after paying a deserved compliment to magistrates who had improved the state of some prisons, remarks, "With satisfaction I have observed the liberal and humane spirit which engages the public to alleviate the condition of prisoners. But at this point the spirit of improvement unhappily seems to stop, scarcely touching upon that still more important object, the *reformation of morals* in our prisons; yet it is obvious that if this be neglected, besides the evil consequences that must result from such a source of wickedness, a suspicion will arise that what has been already done has proceeded chiefly from the selfish motive of avoiding the danger to our health in attending courts of judicature."

Great, indeed, was that danger, and, as we shall shew, often very fatal, in places where culprits were present. Reverting to the filthy state of gaols at this time, we observe that their want of ventilation, or of warmth, excepting that which the putrid atmosphere occasioned, must have been sufficient of

itself to produce disease ; but when we further observe the insufficiency of food, and the want of bedding, which obliged the prisoners to wear, both day and night, clothes which were never cleansed, we cannot feel surprised that such direful maladies prevailed. Howard states, "In visiting the prisoners my clothes became so offensive, that in a post-chaise I could not bear the windows drawn up ; and was therefore often obliged to travel on horseback. The leaves of my memorandum-book were often so tainted, that I could not use it till after spreading it an hour or two before the fire ; and even my antidote, a vial of vinegar, has, after using it in a few prisons, become intolerably disagreeable. I did not wonder that in my journeys many gaolers made excuses ; and did not go with me into the felons' wards.

"I am ready to think that none who give credit to what is contained in the foregoing pages, will wonder at the havock made by the *gaol fever*. From my own observations, in 1773 and 1774, I was fully convinced that many more were destroyed by it than were put to death by all the public executions in the kingdom. This frequent effect of confinement in prison seems generally understood, and shews how full of emphatical meaning is the curse of a severe creditor, who pronounces his debtor's doom to *rot in gaol*. I believe I have learned the full import of this sentence from the vast numbers who, to my certain knowledge, some of them before my eyes, have perished in our gaols."

A very remarkable instance of this cruelty, and of its terrible consequences, is described in the diary of the Rev. T. Scott. That excellent man, whose philanthropy was like that of Howard, though called forth in a somewhat different sphere, gives us the following statement, in 1780 :—" A circumstance took place at Stoke (Bucks), with which I was in some measure concerned, and which appears to me to suggest important cautions. A baker allowed a poor man, his customer, with a large family, to run into his debt to the amount of ten pounds and then arrested him for the money, foolishly supposing the overseers would pay it rather than suffer the man to be thrown into prison. They of course disappointed his expectation. The debtor was sent to Aylesbury Gaol, where the gaol fever then prevailed. He took that dire disease. His wife went to see and nurse him. He died. She returned home, sickened, and died. The malady spread in the village, sparing the children, but proving fatal to the parents. The neighbouring apothecaries in vain attempted to stop its progress. I also ventured into the recesses of misery and infection, and in a few instances tried my medical skill, as well as gave spiritual counsel. But I soon found that the case baffled all my efforts. I believe forty children had been bereft of one parent, and nearly twenty of both. I knew the overseer ; I went to him, and remonstrated with him on the grounds, not only of mercy and humanity, but of policy ; and succeeded in convincing him that no medical

expense which could be incurred was likely to burden the parish a tenth part so much as this fatal progress of the disease was doing." * * * The same fever had broken out in the gaol at Northampton, as well as at Aylesbury.

"In Baker's *Chronicle*, page 353, that historian, mentioning the assize held in Oxford Castle, 1577, (called from its fatal consequence the *black assize*) informs us, that 'All who were present died within forty hours: the Lord Chief Baron, the Sheriff, and about three hundred more.' Lord Chancellor Bacon ascribes this to a disease brought into court by the prisoners; and Dr. Mead is of the same opinion."

"The first of these two authors, Lord Bacon, observes, that 'The most pernicious infection next the plague, is the smell of the jail; when the prisoners have been long and close and nastily kept: whereof we have had, in our time, experience twice or thrice; when both the judges that sat upon the jail, and numbers of those who attended the business, or were present, sickened upon it and died.'"

Howard observes, "I have been frequently asked, what precautions I used to preserve myself from infection in the prisons and hospitals which I visit. I here answer, that next to the free goodness and mercy of the Author of my being, temperance and cleanliness are my preservatives. Trusting in Divine Providence, and believing myself in the way of my duty, I visit the most noxious cells; and while so employed, 'I fear no evil.' I never enter a prison

or hospital before breakfast, and in an offensive room I seldom draw my breath deeply.—*Howard's State of Prisons*, p. 431.

Such were the precautions which this most pious example of benevolence considered it his duty to adopt, while at the same time he confided only in the power of Him, whose arm alone could protect against violence, or preserve amidst disease. Devoted to the service of his God, and like his Divine Master going about doing good to men, he allowed no apparent danger to interfere with duty ; no sacrifice of ease or health, or of anything which this world could furnish, to hinder its performance. In the exercise of charity he met with death, which, although he did not court, he was prepared to welcome.* On the pedestal of his statue it is inscribed

* When seized with a fever, which Mr. Howard foresaw would prove fatal, he observed to his friend, Admiral Priestman, “ You endeavour to divert my mind from dwelling upon death ; but I entertain very different sentiments. Death has no terrors for me ; it is an event I always look to with cheerfulness, if not with pleasure : and be assured the subject is more grateful to me than any other. I am well aware that I have but a short time to live ; my mode of life has rendered it impossible that I should get rid of this fever. If I had lived as you do, eating heartily of animal food and drinking wine, I might, perhaps, by altering my diet, be able to subdue it. But how can such a man as I am lower his diet, who has been accustomed for years to exist upon vegetables and water, a little bread, and a little tea ? I have no method of lowering my nourishment, and therefore I must die. It is such jolly fellows as you, Priestman, who get over these fevers.”

that "He was a victim to a perilous and benevolent attempt," &c. True, if we confine our view to the present world, but contemplating the condition thenceforth of one whose works were the fruit of faith, and labours the effect of love, surely we may rather say that his benevolence hastened his reward, and that whilst death prevented his attempt to prolong the life of others, it opened the gates of everlasting blessedness to himself.*

* So inseparable is the name of Howard from benevolence in punishment, and improvement in prisons, that I trust the lengthened notice of one, whose character must be revered and loved, and whose example must promote the glory of God and the good of man in proportion to the influence it may have on others, will not be considered an improper digression. It is an interesting fact and an honour to our christian church and country, that the statue of this holy and devoted man was the first national monument erected in St. Paul's Cathedral.

CHAPTER II.

PRISON IN 1788.—THE TREADMILL.—EVILS OF THE SILENT SYSTEM.—CLASSIFICATION OF PRISONERS FUTILE.—EXTRACTS FROM REPORTS OF HOUSES OF LORDS AND COMMONS.—EVIDENCE OF PRISON OFFICERS AND OF PRISONERS.—OF MRS. FRY.—BISHOP OF TASMANIA.—M. M. DE BEAUMONT AND DE TOCQUEVILLE.—SIR PETER LAURIE.—BISHOP DAVYS.—ILLUSTRATIONS FROM SIR T. F. BUXTON.—FROM THE ORDINARY OF NEWGATE.

A.D. 1785, about six years after the last visit of Howard, and probably in a great measure in consequence of the suggestions of his wisdom; but still more perhaps the result of that benevolence, which, whilst it glowed with such fervour in his own breast, diffused itself and enkindled the like affection in others, it was determined that the miserable habitation of cruelty and crime which has been described, should be demolished, and a prison sufficiently commodious and, according to the defective notions of punishment and prison discipline which then prevailed, well suited to its purpose, should be erected in its stead. A situation most appropriate was therefore selected. Perhaps a more favourable locality for the construction of a prison could not possibly have been provided. Entirely detached, and sufficiently distant from the town to prevent the evils of a neighbouring population, yet near enough

for the advantages of necessary intercourse ; on a rising ground composed of gravel, with the river Kennet at its base. A spot therefore most healthful, and thus far conducive to the welfare of its inmates.

I will not detain the reader with uninteresting details of this building, but content myself with stating that all things which were then considered requisite for the mere punishment of imprisonment were provided within its walls. About thirty years after, a feeling of compassion towards the young delinquents, and a desire that they might not be contaminated by constant intercourse with the elder prisoners, who had become hardened and more depraved by longer continuance in crime, induced the late Augustus Schutz, Esq., to bequeath the sum of £1,000 towards the construction of a prison exclusively for juvenile offenders. The necessary addition to this sum was made from the county funds. Separate wards, together with an infirmary, and some cells were erected, and the object proposed was to some extent accomplished. Thus then in many respects improvement was effected. With the change of place and of prisons cleanliness and health and comfort were in a measure obtained. But whilst the welfare of the body was thus consulted, and until the gaol became crowded, to a great extent secured, the mind and the morals were too much neglected. A system of misrule yet remained. The gaoler was still allowed his license, and the tap presented its constant temptations.

Idleness and dissipation prevailed amongst criminals, who were permitted to provide for themselves, or whose friends not only supplied their necessities, but pampered their vices; whilst the poverty and distress of their less fortunate and friendless companions rendered them the subjects, not only of punishment, but of tyranny and oppression. By degrees these glaring evils were discovered and corrected. The license was refused, and the traffic was forbidden. Idleness was seen to be injurious, and a remedy was sought. The tread-wheel was introduced,* and the futile attempt was made to amend the morals and to reform the offender by means of bodily suffering and fatigue.† The effort, as may be presumed, and will be hereafter proved, entirely failed. To the cursory observer, the evils thus produced being less obvious, the very evident

* This means of punishment was invented in 1822, and the House of Correction, at Reading, was one of the first in which it was adopted.

† The end of punishment is no other than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence. Such punishments, therefore, and such a mode of inflicting them, ought to be chosen, as will make the strongest and most lasting impressions on the minds of others, with the least torment to the body of the criminal. * * * The degree of the punishment, and the consequences of a crime, ought to be so contrived, as to have the greatest possible effect on others with the least possible pain to the delinquent." *Marquis Beccaria,—Crimes and Punishments, ch. xii. & xix.*

increase of punishment might appear to be an improvement; but to those, who by constant intercourse with the sufferers became more acquainted with its effects, those evils were beyond comparison greater than any which were corrected. They varied with the disposition and character of the criminal. By such torture and toil some were exasperated; others too greatly depressed. These results, though of an opposite nature, were almost equally injurious, since either of them rendered the mind unfit for instruction, and the culprit less capable of correction. Nor were these the only ill effects which attended a punishment so severe and painful. I observe here, what it will be my duty to notice more particularly in the ensuing pages, that it engendered deceit and falsehood to a frightful extent.

If the hard labour of the tread-wheel could have checked the intercourse and contamination of criminals, so far its effects had been good; but although with a view to this, prisoners were forbidden to converse with each other, and punished for doing so when detected,* yet this ineffectual prohibition did

* This prohibition, instead of preventing the evil, only induced prisoners to be more cunning in the practice of it. I have questioned many criminals, who have been confined in prisons where silence is most strictly enforced, and they have told me that they "could soon learn what they wanted. We had got eyes as well as they; they used to watch very closely, but they couldn't always be looking at us, and we could see when they didn't."

but aggravate the evil.* The temptation to transgress such a rule was too strong to be resisted, and the recorded offences committed on the wheel, for which punishment was inflicted, exceed all others in number ; whilst the endeavour to enforce obedience was found to be so vain, that many more were only censured or entirely overlooked. The sad consequences of such a system must plainly appear. There was little possibility of correction whilst irresistible temptations were presented, since not only was the immediate evil of disobedience incurred, but who does not feel that in our state of probation, by consenting to any enticement the moral principle is violated, and the power of future resistance rendered less effective. The remote consequence therefore of subjecting men to temptation, which experience proved them to be utterly incapable of resisting, was dangerous and destructive.† Again, whilst to

* “ To prohibit a number of indifferent actions, is not to prevent the crimes which they may produce, but to create new ones ; it is to change at will the ideas of virtue and vice, which, at other times, we are told are eternal and immutable.”—*Marquis Beccaria.—Crimes and Punishments, chap. xli.*

† It may be said, that in the moral government of the world men are continually exposed to temptation which they have not strength to withstand. We cannot, however, suppose that the sovereignty of the Almighty can properly be imitated by man in this respect ; since, whilst God permits the temptation, He can offer the power which shall enable to overcome it ; but when by any human authority an offender is exposed to temptation, the same party which subjects to danger cannot offer the strength which might protect.

have inflicted punishment for every offence would have been severe, if not cruel, yet impunity encouraged its repetition,* and taught the transgressor that he might violate a law, and still expect to escape the penalty it threatened.

*
 —————“ We bid this be done,
 “ When evil deeds have their permissive pass,
 “ And not the punishment.”

These objections, I may here observe, apply to the Silent System, or, as it is commonly distinguished, the Auburn System, generally. Wherever silence is enjoined upon associated criminals, whether in workshops or in wards, the attempt to make any such imprisonment corrective, fails. Long has the system been tried in America, and with how little success, we may learn from the Report of 1846 of the Society for visiting the Prisons of New York, the members of which, notwithstanding prejudices in favour of the Auburn System, became so convinced of its defects, that they say—“ Every attempt to prevent intercourse amongst prisoners associated, and to impose upon them absolute silence, is in opposition to one of the strongest principles of our nature, and is, in fact, impracticable. Experience has demonstrated that it is impossible to enforce and preserve absolute silence in society ; and the

* “ Quotusquisque reperitur, qui impunitate proposita abstinere possit injuriis ? Impunitas est maxima peccandi illecebra.—*Cicero—Pro Milone.*

certain effect of the law of silence is to encourage hypocrisy, and to teach fraud, evils for which the criminals are imprisoned. Thus their confinement is a school, not for teaching obedience to the law, but for learning tricks and plans for evading and violating it.*

In a building so extensive as the prison I am describing it will be supposed that some classification of the criminals would be effected. This object, at first sight so desirable, was for several years regarded as much as possible. Prisoners according to age, and other circumstances, occupied their several wards. But the plan of the building was so defective that communication between the inmates of the different parts was easily maintained, whilst in the infirmary, and other places, no distinction could be preserved. As respects, however, the distribution of prisoners in the various wards, the Inspectors of Prisons state, "So far as any good can be effected by classification, the plan pursued at Reading is not inferior to any other." Little reflection, I think, may convince that to classify according to any method is but little preferable to unrestrained intercourse. Supposing it to be regulated by the age of offenders, the comparatively innocent will then be associated with those who are beyond all others most mischievous, and most

* The testimony given by others is in exact accordance. See that of M. Feriere, in describing the prisons of Genoa. —See Vol. ii. *And Observations of Mrs. Fry. Ib.*

depraved. I have seen the child of the simple rustic, whom poverty and piercing cold have tempted, perhaps for the first time, to break the fence or steal the fagot, forced into the companionship of others—the offspring of infamy, criminals from their cradles, educated and accomplished in almost every species of vice. An example may show that little good could result from such an arrangement. During the last year this prison remained, a boy twelve years of age was convicted of passing counterfeit coin, and sentenced to twelve months' imprisonment. He was born, and had been brought up, in one of the lowest districts of London, had been a companion of thieves from infancy, and appeared to be fully acquainted with all the arts of deception and roguery. These he felt both pleasure and pride in displaying. He had been previously in Abingdon prison for having, on the race-course, cut out a woman's pocket, and pilfered the contents, a feat which he boasted of having frequently performed. Whilst in prison, this boy had the opportunity of teaching his mal-practices to not less than seventy-seven companions; and I need scarcely add that his knowledge of vice, and cleverness in criminal achievements, caused him to be regarded with more than common admiration, and gave increased effect to his demoralizing lessons.

Again, should it be urged that the classification of prisoners might be according to the nature of the crime committed, yet it must be allowed that the

particular offence could be seldom considered a sure test of character. The perpetrator of the most heinous crimes will also commit many of a comparatively trifling description, and whilst he will take every precaution to conceal the former, his carelessness concerning the latter will often lead to his detection. Often is the house-breaker or the highwayman, whose character was irrecoverably lost, but whose cunning was increased by a lengthened imprisonment with vicious companions, re-committed for a trespass, or some equally slight offence, for which but little punishment can be imposed. Or should it further be suggested, that the re-committed should form a class distinct from culprits against whom no previous offence was proved, yet as little security against contamination would by such means be obtained. The hardened victim of evil intercourse, who, on his discharge from custody, had sought by some atrocious crime to secure the means of self-indulgence and excess, might, according to such arrangement, be placed with the pitiable object of destitution, who, when liberated, would not steal, yet could not starve, and therefore again violated the law and incurred its further penalty by venturing to beg. On the other hand, as respects those committed on the presumed first offence, there can be little certainty that such is really the case. Of course on such a question no dependence could be placed on the statements of prisoners themselves, whilst to act on suspicion would be neither safe nor

just. The most accomplished criminals are generally the most plausible. Much experience may enable to judge of character to some extent. But though discernment may guard against deceit, it cannot force confession, and often therefore will previous offences be undiscovered. A remarkable proof of this came under my own observation not many years since. A man was committed on a charge of felony. I suspected that he had been before convicted, but as no proof of this was given, he was associated with culprits committed for first offences. After an imprisonment of some months, he showed pleasing signs of repentance; one of which was the frank acknowledgment of guilt. He confessed that forty years had been spent in the continued repetition of crimes. Without enumerating less offences, he had five times been guilty of house-breaking, and yet more frequently of highway robbery. He had been many times in prison—once condemned to be hanged—and had but a short time returned after transportation. He had since resorted to his former vices, and had very recently been discharged from prison.

Surely these cases support the following observations of writers, who corroborate the opinions expressed :—

“ If the object be the honest and legitimate one to prevent the contamination arising from the association of prisoners,” there has been ample and sad proof that no less complete mode of classification is available than the individual separa-

peculiar kind of scale has been found, by which the inward viciousness of man could be so precisely graduated, that each class might be composed of offenders who were exactly alike in crime; what should we have gained by it? It cannot surely be seriously asserted, that the improvement of the fallen being, fallen generally in consequence of evil example and bad advice, has been attended to, by placing him in daily contact with others equally vicious, equally criminal. This mutual effect of feelings and impressions, where the evil will always retain the superiority; these relations of exciting adventures, of successfully accomplished robberies, or cleverly calculated thefts, with which the long wearisome prison-hours are dissipated, will they not still more increase the corruption, and by degrees carry vice to the utmost degree of enormity? But, it is answered, a negative advantage is at least gained, namely—that the prisoner has not had an opportunity of learning other crimes than those he himself had committed, and thus had not at least become worse. This gain is only imaginary, for in the same proportion as demoralisation increases, in the same degree are the limits of crime extended; and what had society gained by each separate kind of vice and crime being, as it were in corporations, both developed and studied in the so-called houses of correction.”—*King of Sweden—Punishments and Prisons*, p. p. 32, 33.

Few men have investigated the subject of prison discipline with more persevering industry and talent than M. M. de Beaumont, and De Tocqueville. With the former I have conversed much on the subject, and was astonished, as well as pleased, with the extent of his information. In their work on the Penitentiary System in the United States, they say, “The impossibility of arranging a correct classification of the guilty, is proved with such mathematical

certainly, that it ought to form the starting point for all reform in the administration of prisons."

The impossibility has been from time to time recognized and pointed out by Committees of both Houses of Parliament. The Committee of the House of Commons in 1832, in the report remarked, "It is hardly necessary to observe, that any classification with the inadequate means provided by the Gaol Act must be inefficient. Thus, in the case of the untried, it must associate the most hardened with those who may be guiltless, and that even an innocent man can hardly escape contamination." The Committee also remarked generally, on the subject of discipline, that "a House of Correction, consistent with its name, should offer the prospect of diminishing the amount of crime, either by the *severity of its discipline* or by *reforming the morals* of those committed to it. In both these essential particulars many of our prisons are lamentably deficient. They hold out scarcely any terrors to the criminal, while, from the inefficiency of the control exercised over him, and the impossibility of separating the most hardened malefactor from those who, for the first time, find themselves the inmates of a gaol, they tend to demoralize, rather than to correct, all who are committed within their walls."

Again in 1836, in the Report of the Committee of the House of Lords, we find the following remarks:—"The greatest mischief is proved, by the whole tenor of the evidence, to follow from the in-

tercourse which is still permitted in many prisons. The comparatively innocent are seduced, the unwary are entrapped, and the tendency to crime in offenders not entirely hardened is confirmed by the language, the suggestions, and the example of more depraved and systematic criminals. Every motive, therefore, of humanity as regards the individual prisoner, and of policy as regards the good of society in general, requires that the most efficient regulations should be established in order to save all prisoners, and *especially the untried*, from the frightful contamination resulting from unrestricted intercourse."

My present purpose is not to speak of merely imaginary, or only probable effects of criminal intercourse under the associated system in our former prison, but rather to describe the vices which really prevailed, and the contamination which could not possibly be prevented. This will be shewn from the testimony of the officers of that establishment, the statements of prisoners themselves, or from facts which came under my own observation. I have stated that much communication was carried on even whilst the hard labour of the tread-wheel was enforced, and strict silence was enjoined ; but it was in the prison wards and other places of assembling in which vice reigned without restraint, and contamination could have no check. Monitors chosen from among prisoners were indeed for some time appointed, whose duty it was to report misconduct ; but these were seldom less vicious than those they

overlooked, and rather encouraged than prevented vice. So vain was the endeavour to preserve order by such means that after the trial of a few years it was altogether discontinued. Oaths, cursing, swearing, blasphemies, obscenity, and the cant phrases of criminals, were the current language of the ward. Bibles, prayer books, and other books were provided, but generally despised, and frequently destroyed,* and if any attempted to read or seek instruction he became the object of ridicule and scorn, and almost every effort was defeated.† All games of chance

* The same evils prevail in other prisons where association is permitted. For instance, it is stated to have been the case at Newgate, in the evidence given before the Parliamentary Committee on the state of prisons.—“There are religious books in the wards of Newgate; do you think the majority of the prisoners read the books? No, I do not.—Do they not damage them, and write in them, and otherwise deface them? Yes, they do; in fact, we have not let prayer books or bibles go into the middle yard; lately I have taken one out of the yard, which was nearly torn up; I shewed it to Mr. Cotton on Sunday last; he desired me to lock it up, and take care of it, in case it should be called for.—Do you think that the discipline of a prison is good, where it appears by evidence that the chaplain is obliged to order the religious books to be taken out of the wards, because the prisoners deface them? I think it is very bad, but I do not think there is a *prisoner there who has the least inclination to read*; they pretend to read when a person is watching them, but when the person is gone, there is an end of their reading.—*First Report of Inspectors of Prisons, p. 459.*

† I encouraged the prisoners to learn short portions of Holy Scripture, which they sometimes did; but often assured

were strictly forbidden, yet dice were frequently discovered ; cards were formed,* and other means of gambling contrived. Money of course could not be deposited, but in its absence rations of food were forfeited and debts contracted. The malice and other evil passions which prevailed, the pilfering of each other's provisions, the quarrels and consequent fighting, rendered the several wards rather like dens of savage beasts than any habitation of civilized man. So great indeed was the disorder, and such the threatening violence of their inmates, that the turnkeys often were afraid to enter, or even unlock the doors.

Nor were the horrid vices of this pandemonium confined to the places of intercourse by day. Prisoners at night were crowded together in a manner perilous to both body and soul. So polluted was the atmosphere of the sleeping-rooms, that the turnkeys on unlocking in the morning were accustomed to rush aside with the utmost speed to escape the stench which issued from them. Revolting as was a place in this respect so foul, yet still more shocking was the moral defilement there produced. To

me that it could not be done in the wards, where any attempt to read only brought them into trouble. They learnt during intervals of rest in the house of the tread-wheel.

* I have now in my possession several cards of a pack formed of the covers of tracts, &c., the red and black figures of which are very curiously and distinctly marked, one with a solution of brick-dust, the other with soot.

bow the knee in the mockery of prayer, to blaspheme for amusement, were practices not uncommon—to “get up a fight” was a most favourite sport, and offences of a character not to be described were frequent.

In confirmation of the foregoing statements, I insert some extracts from the evidence given by prisoners themselves to the Inspectors of Prisons, in 1837.

“S. C.—I belong to the convicted felons’ class, No. 10, but am now nurse in the infirmary. I was committed 18th July, 1835. The prisoners talk together in the infirmaries, and also in the bed-rooms and in the wards. I have slept with seven or eight prisoners in a room in one of the felons’ wards. The conversation of prisoners is generally bad; it relates to their exploits out of prison, how they performed them, &c.; and they boast of these things. No doubt a man might learn every mode of committing crime; they learn of each other the cant language, and are proud of shewing their knowledge of it. There are words for highway robberies, for picking pockets, for house-breaking, &c. Most of the prisoners are anxious to learn this kind of knowledge: there are names for almost everything. I suppose the prisoners must get worse by this kind of conversation, which takes place I know throughout the prison. It happens most at night. A well-disposed man cannot here separate himself from others: they would annoy him and laugh at him. I have been on the wheel, and they talk frequently in a low voice there: but they are seldom found out if they don’t turn their heads. They can watch the turnkey as much as he can watch them. They cheat the doctor, and afterwards laugh about it. When I was in class No. 10, there was much stealing amongst the prisoners of provisions, handkerchiefs, braces, &c.

"G. W.—I belong to the convicted felons' class, No. 13. I was committed to this prison 3rd February last. I have been in prison six times before. I have slept in the misdemeanants' and in the felons' rooms. I think the felons are worst in their discourse; but each class used to talk: they talked about their different modes of committing crime; and how they used to do it; and the best ways. A man might learn a good deal more here than he could learn out of prison; they used to learn the cant words, and repeated them to each other as boys use a spelling-book; they regularly learned it one from another. I believe there were words for every offence; words signifying the different modes of breaking houses and committing highway robberies were taught chiefly: it was a regular school to many of them. They stole amongst themselves. Some of them talk entirely among themselves, and others can't understand them. A man disposed to be religious could not enjoy peace or quiet. the swearing and language is so bad. The misdemeanants are nearly as bad in their discourse; but they do not use or understand the cant language, being chiefly poachers. The talk was generally in the bed-rooms, but sometimes in the ward."

"W. L.—I belong to the convicted felons' class, No. 13, I have been three times in prison. There was a row to-day about some bread stolen. They talk about what they did before they came here, and what they will do again when they get out: one says he means to go on the road again: and others that they will practice house-breaking again, and get money: some that they will try one chance more, and make a little money, and then leave off: they put each other in the way to do these things: some who don't know are eager to learn, and take delight in it: the more they can learn the more they will: a man would learn more here than he could out of the prison; the conversation is scandalous. I hope I repent, and have received some good impressions.

They talk in cant terms, and learn them from each other. It is like a school. They have words for every "mortal thing." A man thinks a good deal of himself, and others think highly of him if he is a clever thief and knows the cant well. They jeer at religion, and make all manner of game of the clergyman. They use a good deal of blasphemy and swearing. They quarrel with each other. I never knew of fighting. Sometimes these conversations take place in the wards, and sometimes in the bed-rooms; mostly in the latter: they leave off, however, about eight or nine at night: they talk about

* * * *

They can, and do talk from cell to cell, when there are prisoners in the cells. I have known prisoners mention particular places which they would rob on getting out of prison; and which way they meant to go about it; and name persons whom they would rob on the highway.

"R. H.—I am in the convicted felons' class, and have been here since September, 1836. The conversation of prisoners is very bad: they talk of their different crimes, and the best ways of committing crimes; how to break into a house, to rob on the highway, and to pick pockets; but they talk least about picking pockets. I have heard them say that the easiest mode was to rob a man on horseback; that it was easier to pull him off than to attack him on foot: and some, that they would not misuse a man; and others have said they would act as might become necessary. Some have a language of their own: I can't understand half of what they say. They think a man very clever if he knows the language. Some learn it. They practise it sometimes. Some can learn it better than others. A good many of them laugh at the parson, and most of them make a jeer of religion. Many learn to become worse. I have heard a good many make fun and boast of having deceived the doctor to get off the wheel: they pretend all sorts of complaints; that they have colds, or are giddy, &c.

"G. S.—I belong to class No. 2, but am now in the infirmary. I have been here about five months, under a charge of having committed a rape. The prisoners used to boast of the profits of poaching. I have heard many say that they had made 1*l.* of a night. I could not understand their language; I don't mean the poachers, they used to talk amongst themselves: I mean the travellers; they kept aloof. There was a boy in the ward for horse-stealing, and he told me he had stolen three horses in one month; that it was a very profitable business. The travellers would talk to the boy, whose name was Jeffs, but they did not talk with me. Jeffs could understand them; but he could not learn from them more than he knew before."

"F.B.—I am in the convicted misdemeanants' ward, and have been there about nine months. I have been here before. I have known a person committed to this prison as a misdemeanant who had previously been here for felony; his name was John Herbert; he had been here three times before. They are generally poachers in my ward. The discourse is very often bad. There is a good deal of swearing. One may learn the best ways to poach. We don't speak the cant language: "we use plain English." Our ward is very honest; we don't steal bread; but a man would become a better poacher: he would know how to set snares. Some say they will poach again; and some that they will turn over a new leaf. They brag about it."

C.C.—I am in the convicted misdemeanants' ward, and have been in custody since 18th January last, for poaching. I have been here once before. The prisoners talk together after they get to bed at night: they talk about the best methods of poaching; how to catch hares and pheasants, and so forth. I think a man might learn to become a good poacher in the prison, if even he knew nothing of it before. Some of the prisoners laugh at the parson, and say they don't want to hear any more of his noise, and that they don't like his bother. If

a man were to try to be serious, they would keep running on, and swear, and sing, and make a noise to disturb and plague him. Few care about being wardsmen, and the prisoners don't care for or fear the wardsmen in our class. He has never reported one since I have been in it. He ought to do it sometimes. Generally the language is very bad. Some say they have never done anything else but poach, and never will. They call it a profitable business. I have heard one of our men say he has often made 15 shillings of the game which he had caught in the course of two or three hours in a single morning."

G.S.—I am in the convicted felons' class, No. 10, and have been in custody about nine months: I was in class No. 2, with the untried felons about ten weeks. In class No. 10, where I now am, there are sometimes 21 or 22 prisoners; and as many as eight sleep in one room. In class No. 10, the felons talk what they have done out of prison, what offences they committed, &c. I have heard them talk about different instruments which they used in committing such offences. The prisoners in class No. 10, are almost all "travellers:" I mean they are men who perform crimes in different counties, and travel from county to county to avoid being found out. They have acknowledged that they have attended fairs to watch men who they expected would receive money; and that they have waylaid them and robbed them. I have heard them say which is the best way of attacking a man on horseback. They boasted of these doings, and sometimes spoke in cant language, which I could not understand; but often they spoke in plain English. The other prisoners used to practise the cant, but found it difficult to learn: a man was considered clever who understood it. When I was in the untried class, No. 12, I have heard prisoners say that if they should be acquitted, they would not go far before they robbed a man: that they would not even spare a poor man if he had money, rather than go without food themselves. Such was the nature of their conversation

almost always. They used to laugh at the parson and religion, and ridicule both him and it: they swore and spoke blasphemous language, particularly so in the trial yard. I never heard such shocking language. They stole from each other. They used to quarrel sometimes, and it was often about who was the best thief, highway robber, or housebreaker, and who knew most about these matters. They often argued until they became angry, and would then fight if they were not afraid of being found out and locked up. Their discourse was bad about women, and they boasted of what they had done, and would do again when they got out of prison."

"C.H., a female convict—I am now in ward No. 6. There is no other prisoner with me. I have been in custody about nine months for an assault. I was in the vagrants' ward three months: there were many others with me there. All sorts of low and obscene language was used by the prisoners, many of whom were women of the worst description, and their conversation was as bad as it could be. I thought it a great misfortune to be mixed with such characters. The prisoners talk most at night. They quarrel and fight dreadfully; their language is horrible. They ridicule what the chaplain says directly after he turns his back, but cry before him."

"M.A.—I am in the felons' ward No. 9. I have been in prison about five months. We have had all kinds of women in one ward. They use very bad language: they talk a good deal about * * I don't like to mention it. It was as bad as it could be. The beasts of the field could not be more beastly. They quarrel amongst themselves. Their conversation is very injurious to many. They also talk about their thefts, and some would boast of them. They chiefly used to speak at night in bed."

"S.S.—I am in the felons' ward No. 7, under a charge of having stolen fowls. I have been here about three months. There were four other prisoners with me in the ward for about a week. We were very religious that week, but it did not

last long. I am alone in the ward now. I don't know what the prisoners in other wards talk about. Many of the women who have left the prison were accustomed to use the lowest language, such as I am ashamed to mention. It is not fit for any one to hear: it was about their conduct with * * * and what they would do when they got out of prison. A great many of them discoursed after this manner."

M.N.—I am in the convicted felons' ward No 9, and have been in prison about six weeks. There have been five prisoners in that ward together since I have been in it. The discourse has been very bad. ——— is one of the worst. She talks of the life she has led: she has been a prostitute in different places: she makes a brag of it: it would not be fit for me to tell you the particulars of what they say. I think they talk most on going to bed. One mentioned how she picked pockets, and what money she got of a night, sometimes £3 or £4 by robbing gentlemen; and that two or three girls used to share it. I have known prisoners listen attentively to these stories at first, but they were so constantly repeated that they became tiresome."

The testimony given at the same time with the former, by the principal officers of the gaol, confirm the representations of the prisoners.

"The Surgeon—I believe that all the evils of contamination prevail in this prison, notwithstanding the classification of the prisoners and the observance of silence. It may be owing, in a great measure, to the construction of the prison, and the mixing of the classes in the infirmary, wash-house, &c. But I believe it to be impossible, under any circumstances, to enforce silence so as to prevent contamination, which must be ruinous in its consequences, especially to young persons and children. The prisoners practise every kind of deception to get into the infirmaries. I have known 20 muster at a time

under pretence of being sick, and I have sent back 18 to the wheel because there was nothing the matter with them. They do not complain on meat days until after dinner. They chalk their tongue, tatoo their arms and breasts, complain of old sores and hurts, and use every possible deception to obtain their ends. I cannot think this a favourable state of mind for the purposes of moral reformation. *I have known of no single instance of a seriously or religiously disposed prisoner since I have been here ; I have been here 40 years.* A serious prisoner could not separate himself from the others ; and he could not of course enjoy his reflections during his intercourse with them. This prison is better conducted now than it ever has been in my time.

“The Chaplain.—I believe that the silent system, when most strictly enforced, can only produce an appearance of order, and operate as a check upon the intercourse of prisoners, without materially lessening the evils of contamination. The opportunities of communication here, owing to the construction, are complete throughout the prison ; and I believe the contamination is very great. Prisoners on their discharge (whose communications I think deserved some credit) have admitted to me that they have heard worse language in this gaol than they could have conceived ; that the tricks and wickedness which they had seen had opened their eyes ; and that any person, by being here, might know how to proceed in the commission of various crimes : that poachers especially would become more expert. I know an instance of a female who had been committed to this prison for uttering base coin, who took down the names and address of many of the female prisoners, for the purpose of forming a connexion on her discharge ; and I know that she went to the family of one of the prisoners ; no doubt for this purpose, viz., for forming a connexion for carrying on her traffic more successfully. I knew an instance (and I believe there are many such,) of an apparently modest woman having made

up her mind, through her association in prison, to lead a dissolute life. The females here are most abandoned :* the mixing of the classes produces great demoralization, especially amongst the younger prisoners and children. From time to time I have known some respectable women. I have observed the progress of contamination on their minds. I have known some come in with feelings of contrition, go out hardened, and I believe contaminated. There are many prostitutes among them. I do not think the labour of the tread-wheel a desirable mode of punishment. I know it to be most vexatious to prisoners. They think it useless and degrading. It affords great scope for deception, which is here practised in a variety of ways. It produces generally a state of mind unfavourable to religious impressions. I am a most decided advocate for separation ; which I believe is the only mode of imprisonment calculated to prevent contamination, and to deter from the commission of crime ; and I believe it to be the most favourable for producing reformation."

"The Governor.—It cannot properly be said that the separate system, in any mode, or to any extent, is enforced in this prison. The worst classes are kept separate at night so far as the prison will admit of it ; but there are only 13 cells in the gaol, 12 in the house of correction, 2 of which are used as workshops, and 8 in the juvenile prison. The worst classes in the gaol and house of correction are placed in the cells merely for safe custody. The silent system is enforced with the convicted male classes only. The female prisoners of all classes, and the untried male prisoners of all classes, are permitted to associate and to converse freely, provided they are

* Mrs. Fry describes the condition of Newgate, in 1818, as similar :—
 "Almost every day we were witnesses to the dreadful proceedings that went forward on the female side of the prison ; the begging, gaming, swearing, fighting, singing, dancing, dressing in men's clothes, the scenes are too bad to be described, so that we did not think it suitable to admit young persons with us."—*Mrs. Fry's Life*, vol. i. p. 261.

quiet and orderly. The silent system is enforced with the convicted male classes at all times, viz. during labour and meals, by day and night. It is not, however, observed in the infirmaries, where all classes mix. There is much intercourse kept up between the convicted male prisoners, although they are subject to the most rigorous part of the discipline; they converse on the wheel, at their meals, in their day-rooms and bed-rooms, from cell to cell, from room to room, and from gallery to gallery, by words, by signs, and in various other modes. They watch all opportunities for talking. The wardsmen cannot be trusted, especially when they have no privileges, either in the way of extra allowance of food, or exemption from labour, which is the case here. This fact is obvious, from the great number of punishments which I inflicted during the last year, not one of the offences for which those punishments were inflicted was reported by a wardsmen. They are influenced by bribes and by threats, and are naturally prone to favour the prisoners, even at considerable risk to themselves. And therefore, even with respect to the silent system, taking all these facts into consideration, as well as the defective construction of the prison, which admits of so much intercourse between prisoners, and the few officers which I command, it can scarcely be said that it is enforced even with the convicted classes. It is wholly impossible to enforce silence. It is a system which produces but few, if any good results; it generates many evils; and in this prison, at least, it does not prevent contamination. No doubt the most free and complete communication takes place between all classes. We have not great opportunities of overhearing their conversation, there being no means of inspection and no night-watch. Nevertheless, my knowledge and experience of the conduct of the prisoners is such, that I feel perfectly assured they relate and boast of their exploits, and that they instruct each other in the different modes of committing crime. They become more hardened and corrupted by the associations of the prison; and there can be no question that

young and inexperienced offenders not only become hardened, but acquire a sort of scientific knowledge of crime, and probably more practical expertness for the commission of it.* These facts, in some measure at least, are manifested from the number of re-commitments to this prison compared with the commitments for first offences. The re-commitments are 25 per cent. upon the yearly average number of prisoners; and many of the re-committed prisoners have been here four or five times, and most of them twice or thrice before. We once had a prisoner named Edward Grenit, of Reading, of the age of 18 years, who had been re-committed to this prison and the borough bridewell at Reading 25 times; and had been frequently convicted, whipped, &c., and at length was transported from this gaol for robbery. It may be worth mentioning that, being only 18 years of age when transported, he must, during the greater number of times that he was confined in this prison, have been placed among the boys in the juvenile ward, where all males under the age of 17 are confined. I think the silent system extremely complicated and difficult. It requires great vigilance, and is most irksome to the officers. Here it is impossible to enforce it effectually; it

* Who can read such evidence without being reminded of the admonitory lines of Scott—

“ But he whose humours spurn law’s awful yoke,
Must herd with those by whom law’s bonds are broke,
The common dread of justice soon allies
The clown, who robs the warren, or excise,
With sterner felons train’d to act more dread,
Even with the wretch by whom his fellow bled.
Then, as in plagues, the foul contagions pass,
Leavening and festering the corrupted mass;—
Guilt leagues with guilt, while mutual motives draw,
Their hope impunity, their fear the law;
Their foes, their friends, their rendezvous the same,
Till the revenue baulk’d, or pilfer’d game,
Flesh the young culprit, and example leads
To darker villainy, and direr deeds.”—*The Poacher*.

would require a greater number of turnkeys : our prisoners are at all times distributed over, never less, and sometimes even more, than 18 different parts of the prison, exclusively of those who may be in separate cells. And with regard to monitors or wardsmen, I object to any system which recognizes the appointment of prisoners to offices of trust or authority. Wherever wardsmen are employed it leads to favouritism and oppression, as well as to discontent amongst the prisoners, who will not readily submit to reproof from their equals."

[Additional evidence is given in the Report for 1845. See *vol. ii.*]

It would not be a difficult, although a painful task, to enumerate many instances of the pernicious effects of such association. In the report annexed, I have referred to some, and the testimony given by those who have most observed the result of criminal intercourse in prisons has been unanimous. It is always and everywhere the same. Horrible indeed is the foregoing evidence. But should we pursue the enquiry, vices, of which one is even ashamed to speak, would be found to prevail in every nation in which criminal intercourse is permitted. The convicts in our colonies, and the associated culprits of every country, alike proclaim the pernicious results of such a practice. In a letter written by the Bishop of Tasmania (Nov., 1847), his Lordship observes—“Of the system of prison discipline that has, of late years, been adopted, I need say no more than that, under it, a degree of wickedness has sprung up

amongst the convict gangs, unexampled, I believe, in the annals of the Christian world, and such as can only be described in the simple, yet awful language, in which the great Apostle of the Gentiles portrays the profligacy of the heathen nations." And we quote the following from the work of M. M. de Beaumont and de Tocqueville :—" C'est une triste vérité que la plupart des condamnés ne se réforment point pendant leur détention, mais au contraire s'endurcissent dans leur méchanceté, et sont, après leur libération, plus vicieux et plus consommés dans le crime qu'ils ne l'étaient auparavant."*

" Comment la réforme morale des prisonniers pourrait-elle naître au milieu de cet assemblage de tous les crimes, de tous les vices, et de tous les turpitudes ? Le condamné qui arrive dans la prison à moitié dépravé en sort avec une corruption complète, et on peut dire qu'au sein de tant d'infamie il lui serait impossible de ne pas devenir méchant."†

The observations of Sir Peter Laurie, to the Parliamentary Committee, may represent the opinion generally expressed :—" I asked the gaolers this morning if they ever saw a thief reformed, and they said they had not ; and I have never seen one." The mass of evidence published on the state of prisons tends fully to establish the assertion of the Inspectors :—" Wherever there is association in pri-

* Du Systeme Penitentiaire—Prem. Part., Ch. i.

† Id. Deux. Part. Ch. i.

sons, there must be demoralizing consequences.”* To dispute such a truth would betray ignorance of human nature rarely met with.† The declaration of St. Paul, that “evil communications corrupt good manners,”—so plainly written for our admonition,—was a truth too evident for even heathens to doubt. The passage itself is a quotation from a heathen writer (Menander), and one of precisely similar import is found in another poet :—

Ἐν παντι πραγεί δ' ἐσθ' ομιλίας κακῆς
Κακὸν οὐδέν, καρκὸς οὐ κομιστέος,‡

Æschylus, Sept. cont. Theb. 595, 596.

Surely such assertions charge us with want of wis-

* “In this case it is plain, that imprisonment, instead of *preventing crime increases it*. Among those who are convicted there are many very different degrees of guilt ; but, where all mix together, those who are the worst are always found to teach their dreadful experience to the rest, and thus the quantity of wickedness, instead of being lessened, is increased.”—*Bishop Davys.*

† Mrs. Fry tells us concerning Newgate, in 1816, that “she found, she believes, all the women playing at cards, or reading improper books, or begging at the gratings, or fighting for the division of the money thus obtained, or engaged in the mysteries of fortune telling. * * * Those who were idle were confirmed in idleness, and those who were disposed to be industrious lost their good habits. In short, they went there to have the work of corruption completed ; and subsequent examination has discovered to me the cases of many, who had come to Newgate almost innocent, and who had left it depraved and profligate in the last degree.”

‡ Scan the wide world, and nothing worse is found
Than vicious converse, whence our crimes abound.

dom in not discerning, or with guilt in neglecting so important a truth, which, as it bears upon penal legislation, ought to have the force of a precept. No station of life, instruction, or wise resolutions, can be expected to prevail against the assimilating influence of prison society, or to secure individuals against its corrupting effects. The temptations to evil are too strong to be resisted, and any endeavour to withstand them excites such malevolence and persecution as would endanger the principles of the most steadfast, but must overcome the weak, though perhaps half-penitent offender. Surely, then, compassion towards criminals themselves, and sympathy with those who are the innocent, but severe, sufferers through their guilt, should induce the rejection of a system so perilous, and so painful in its effects. I may illustrate these remarks with a narrative given by Sir T. F. Buxton. The person referred to fell indeed from a station superior to that of most delinquents, but was certainly not less capable of resisting on that account ; and although some of the evils described have been corrected, yet the worst and most destructive still remain wherever criminal intercourse in prisons is now permitted :—

“ I could, if delicacy would allow me, mention the name of a person who practised in the law, and who was connected by marriage with some very respectable families. He, for a fraud, was committed to Clerkenwell prison, and sent from thence to Newgate, in a coach, handcuffed to a noted house-breaker, who was afterwards cast for death. The first

night, and the subsequent fortnight, he slept in the same bed with a highwayman on one side, and a man charged with murder on the other. During that period, and long after, spirits were freely introduced. At first he abstained from them, but he soon found that either he must adopt the manners of his companions, or his life would be in danger. They already viewed him with some suspicion, as one of whom they knew nothing. He was, in consequence, put out of the protection of their internal law. Their code is a subject of some curiosity. When any prisoner commits an offence against the community, or against an individual, he is tried. Some one, generally the oldest and most dexterous thief, is appointed judge; a towel tied in knots is hung on each side of his head, in imitation of a wig. He takes his seat, if he can find one, with all form and decorum; and to call him any thing but 'my Lord,' is a high misdemeanour. A jury is then appointed, and regularly sworn, and the culprit is brought up. Unhappily, justice is not administered with quite the same integrity within the prison as without it. The most trifling bribe to the judge will secure an acquittal, but the neglect of this formality is a sure prelude to condemnation. The punishments are various; standing in the pillory is the heaviest. The criminal's head is placed between the legs of a chair, and his arms stretched out are attached to it, he then carries about this machine; but any punishment, however heinous the offence, might be commuted into a fine, to be spent in gin, for the use of the judge and jury. This mode of trial was the source of continual persecution to ————. Hardly a day passed without an accusation against him, for moving something which ought not to be touched, or leaving a door open, or coughing maliciously, to the disturbance of his companions. The evidence was always clear, to the satisfaction of the jury; and the judge was incessant in his efforts to reform him, by inflicting the highest punishments. In short, *self-preservation rendered it necessary for him to adopt the manners of his associates; by*

insensible degrees he began to lose his repugnance to their society; caught their flash terms, and sung their songs, was admitted to their revels, and acquired, in place of habits of perfect sobriety, a taste for spirits; and a taste so strong and so rooted, that even now he finds it difficult to resist the cravings of his diseased thirst for stimulants. I conceive I cannot better illustrate the situation of Mr. ——, than by a letter I received from his wife. Considerable suspicion must attach to the declaration of every person, however reputable his present conduct may be, who has been himself convicted of crime: I have, therefore, thought it right to suppress every part of his information which is not confirmed by other and creditable testimony. The artless statement of his wife, who has throughout conducted herself with unimpeachable propriety, and who laboured with her own hands to support her husband when in confinement, will hardly be rejected.

“SIR,—I cannot attempt to state to you the sufferings I have undergone from the first period of my husband’s prosecution to his final release. Passing over my having to attend him for near a month at the Clerkenwell Prison, previous to his removal to Newgate for trial; where, on my first visit to him, I found he had been so removed, handcuffed to a notorious offender; now become an inmate in the same ward with several others of the most dreadful sort, whose language and manners, whose female associates of the most abandoned description, and the scenes consequent with such lost wretches prevented me from going inside but seldom, and I used to communicate with him through the bars from the passage; but on my going one morning, I found he was ill and unable to come down. Anxious to see him, I went to the ward, and there he lay, pale as death, very ill, and in a dreadful dirty state, the wretches making game of him, and enjoying my distress; and I learned he had been up with the others the whole night. Though they could not force him to gamble,

he was compelled to drink ; and I was afterwards obliged to let him have eight shillings to pay his share, otherwise he would have been stripped of his clothes. I was the more shocked, as knowing Mr. ——'s firm mind and sober habits up to this moment. I dreaded the consequences of such a relaxation, and of such examples. I saw his health declining ; I saw the destructive effects upon him of such association ; I found he was compelled to do as they did, and to think as they thought ; for on his once attempting to remonstrate with them, his life was threatened, and he was afraid, when he went to bed, to go to sleep. Having this relation from him, and seeing him daily getting worse ; knowing his former strict principles and steady habits, I felt every thing a wife could feel for a virtuous man and an affectionate husband, forced into such society ; and his irretrievable ruin, even in this respect, presented itself to my view."—*Sir T. F. Buxton—Prison Discipline, p.p. 52, 56.*

I feel that the following observations, by the author of the above narrative, are so well founded and just, that they may form an appropriate conclusion to the present chapter :—

"It is remarked by Mr. Locke—'Of all the men we meet with, nine parts in ten are what they are, good or evil, useful or not, by their education.' Let us pause for a moment and consider what education we bestow upon those whom we place under the tuition of a jailer. It is an observation which every man who marks what passes before his eyes must have made, that the human mind arrives at enormity in guilt by a slow and gradual advance.

Nemo repente fuit turpissimus.

Vice is a monster of such hideous mien,

As to be hated needs but to be seen ;

Yet seen too oft, familiar with her face,

We first endure, then pity, then embrace—

are the results of ancient and modern experience.

“ Let us suppose, then, a youth in the commencement of his career of crime ; so far guilty as to have incurred the milder visitations of the law, but yet not entirely lost to a sense of virtue, and the possibilities of reformation. Let us imagine him spending his days with the vicious, and his nights with the diseased ; receiving from the first, that instruction which may fit him for the perpetration of crime, and imbibing from the second, the seeds of that debility which will unfit him for every thing else. In this state of mind and body, at the expiration of his term of confinement, you throw him at once upon the town, without a shilling in his pocket, his next meal depending upon the dexterous application of those lessons of fraud, which have been his only recent acquirement. He must starve, or he must rob ; you have taken from him the means of honest labour, but you have initiated him into other and more gainful arts. He came to your prison a misdemeanant ; you send him from its walls a criminal—wasted in strength, polluted in principles, and ruined in character. All respectable men reject him, because they know that to have been in your prison is to be corrupted. He is compelled by the cravings of nature, to take refuge amongst the hordes of thieves ; they receive him with open arms, supply his immediate necessities, and advance him money on account to be repaid by the product of his future depredations. They laugh away his scruples, if the society in which you had placed him had left him any, and soon furnish him with an opportunity of displaying his gratitude, his courage, and his proficiency. His is then a rapid career ; he soon knows every haunt of vice, and is known by the fraternity of thieves as a willing labourer in any branch of their calling. At length he stands at the bar, convicted of some act of desperate enormity ; the dreadful sentence of the law is passed upon him, and all hopes of mercy are forbidden. The judge, the magistrates, the jury, the spectators, are shocked at such an in-

stance of youthful depravity, while their hearts whisper, 'Thank God, I am not as this robber.' But if he who sows the seed contributes to the production of the harvest, they may find other subjects of astonishment than his guilt, and *accomplices where they least expect them*. Let them look to the cause, and they will discover in this monster of crime—a wretched, pitiable victim of the careless indifference of the public. I do not hesitate to say, his blood is upon us all: upon the magistrates, who do not provide suitable places of confinement; upon us, the public at large; for if we did but feel a lively desire to avert and to prevent those terrible scenes of villainy and vice; if a general feeling were excited and loudly expressed throughout the country, our prisons might be made schools of reformation."—*Sir T. F. Buxton—Prison Discipline*, pp. 56-58.

I felt some regret that in a recent notice of the former edition of this work in the Quarterly Review, the very able writer, in that most influential periodical, should have mistaken the foregoing narrative of Sir T. F. Buxton for an occurrence of more recent date which had come under my own observation, because I trusted that the authorities of that gaol, advised and entreated as they have long been by the pious Ordinary, had recently adopted means which should prevent the recurrence of similar contamination and consequent ruin. But, alas! how little to this end has been accomplished, we learn from the last Report of the Ordinary; who, describing "the prevailing motives that contribute to make a thief, and then to make him incorrigible," observes of the prisoners in Newgate:—"Another of their vices is talking about the robberies they

have committed, and their escapes from the police ; and a very dangerous one it is. It encourages many a youth to persevere in stealing, who otherwise would be corrected by imprisonment. No person can have the least idea of what the life of a thief is, unless he can get at the conversation of a transport ward. The things detected and brought to light by the police, are mere bagatelles to the exploits of these dexterous youths. A regular known thief, *now with us*, has *boasted* that he got in one night only, on one of the bridges in London, forty-seven pocket handkerchiefs. All this ruinous conversation ought to be stopped. It is pernicious and destructive in the highest degree, and all parties who have made thieving their living, ought, on this ground only, *to be kept alone*.—*Rep. Mich. 1847, p. 20.*

CHAPTER III.

EFFORTS TO OBTAIN A NEW PRISON.—PREVAILING VICES EXPOSED.—TESTIMONY OF M. SURINGAR.—CAPITAL OFFENCES PLANNED IN PRISONS.—COMMITTEE ON CHAPLAIN'S REPORT.—NEW GAOL PROPOSED AND CONSTRUCTED.—EXAMPLE COMMENDED IN LAW REVIEW.

HAVING been called, I trust by the good Providence of GOD, to take the Chaplaincy of the County Gaol, at Reading, in 1840, I was not altogether ignorant of the duties which devolved on me, or of the difficulties attending their performance. I had gained some knowledge of these by frequently officiating in another large County Prison. There too I had seen many of the sad and soul-destroying effects of the association of criminals. But it was not until increased responsibility compelled me to investigate more particularly the character of prisoners, and more carefully to watch their conduct, that I became at all acquainted with the extent of depravity and demoralization which their vicious intercourse produced, and how improbable it was that whilst such intercourse was permitted, any preventive to those evils could be successfully applied. I soon, however, discovered that hopeless were all efforts to reclaim the vicious when the public ordinances of religion were treated with ridicule and

contempt, and private admonitions and instruction, whatever might be the momentary impression, were equally disregarded and despised—when, therefore, the means of grace, instead of subduing the obduracy, sanctifying the heart, and reforming the character of the prisoner, appeared but to harden the more, because abused, or to increase guilt, because neglected. Reason and Divine Revelation might lead us to anticipate such as the natural and necessary results of “evil communications,” and often may the friend of humanity, and especially the christian minister, grieve when reflecting upon the degeneracy thus occasioned. But it is the daily evidence and the teaching of experience, which enforces the truth in a manner tending most to discourage and distress. I can truly sympathize with every brother and fellow-labourer, who, holding the chaplaincy of a prison where criminal association is permitted, has indeed a sphere of duty most unpromising and painful, and which he must often be tempted to abandon. This, however, the faithful servant who believes God to have directed him, feels he dare not do ; and, though perplexed, he must not despair. Whilst therefore I express sympathy, I would desire to excite hope, and heartily shall I rejoice if, even at the risk of making myself too prominent, a statement of the course pursued, when the sacrifice of health, and the motives I have mentioned strongly tempted me to relinquish my present office, and made persuasions to do so difficult to resist, should induce others to

adopt similar means, and through God's help to be alike successful. I believe that the observations of every chaplain to a prison must have convinced him that, humanly speaking, his efforts must be fruitless when vicious intercourse is unchecked, and that he can only expect success in proportion to the restraint put upon such demoralization. Good seed may be sown, but the thorns must choke it. It would then be vain, because opposed to reason, to experience, and the word of God, to attempt to cheer with the hope of reaping good in a field of labour in which means so effectual were provided to prevent such fruit. Prisons themselves must be re-constructed, so that separation may be effected, or vain will be the expectation of improvement.* Feeling confident of this, I resolved on an effort, the result of which has proved it the most important of my life. To have been in any measure the humble instrument of removing a source of vice which poured

* "The adoption of the new criminal law forms, in my opinion, the only means of avoiding the dangerous maze in which there is so much danger of being lost. But how will it be possible to apply its enlightened principles of justice, with any hope of success, if our houses of correction do not receive those improvements which are so highly necessary? To employ punishment by loss of liberty with the retaining of the contagious demoralisation of our prisons, would only extend the scale of this vicious mutual instruction. Hence is consequently seen the whole importance of the penitentiary system, and the necessity of not shunning any sacrifices, in the promotion of its possible introduction."—*King of Sweden—Punishments & Prisons*, p. 151.

forth its pollution, corrupted all within its reach—which spread destruction beyond the regions of time, hastening the victims of its contamination towards eternal misery and death ; and in the place of such impurity to have seen a fount of moral reformation rise—an antidote, I trust, to former evils, where I hope, and have proof, that numbers are partaking of the waters of spiritual and eternal life—truly I reflect on this with delight and gratitude, as an honour of a far higher character than I had any right to anticipate.

It must not, however, be supposed that I presume to take this honour to myself exclusively. On the contrary, often had evils so perilous and conspicuous been represented by Magistrates and by the Inspectors of Prisons, whose influence was great, yet none perhaps could so clearly discern the dangers and vice which prevailed, as one, before whose ministerial labours they were brought to light, and whose especial duty it was to point them out to those having authority and power to correct or remove them. Without magnifying the office beyond warrant, we must, I think, feel that the improvements in prison discipline must ever depend more on the exertions of the Chaplain than on any means beside. Whilst the magistrate, as God's minister of justice, is invested with the authority to attempt the correction of offenders by imprisonment and punishment, it is the minister of His gospel, who is the more immediate agent in accomplishing the end proposed. To

him, therefore, the obstacles to reformation are most apparent, and the means necessary for correction most plain. Impressed with this truth, and feeling the responsibility it involved, I presented a Report to the Court of Quarter Sessions at Michaelmas, 1841, from which I extract one or two passages.

* * * "From the facts I have described (statements similar to those I have already given,) I think it must appear that a statement, made to me by an intelligent youth, committed a few days since for misconduct in his apprenticeship, who appeared penitent and acknowledged the justice of his punishment, too nearly approaches the truth. This prisoner, who was confined in a ward with nine others, expressed himself in these words—'I had been led astray by bad company, or I had not been here, and in that company I had seen and heard much wickedness; but what I have seen and heard here makes me think it is like coming to hell—there is so much wickedness talked of, and so much swearing.'* That

* A very similar statement to the above was made by M. Suringar, at the Frankfort Congress, 1846:—"Let us not forget," said that excellent man, "that one day spent in the promiscuous society of our common prisons is quite sufficient to corrupt the heart of the young. I knew a woman, who, when she had been in prison one week with other women, prisoners like herself, declared to me that she had then experienced all the iniquities of hell. She had never before seen nor heard of so much that was abominable. It is from this hell upon earth that we must be most careful to preserve the young culprits, and the little delinquents."

See also Appendix to Report, Mich. 1845, vol. ii.

these assertions are not without foundation, may be inferred from circumstances which have come under my own observation. I have repeatedly discovered, that in the prison less experienced offenders have received instruction as to the commission of future crimes with greater hope of eluding punishment ;—that infidel principles have been instilled into the minds of youths whose creed on their admission was professedly in accordance with Holy Scripture ;—that very frequently portions of the Bible have been made themes of ridicule and blasphemy ;—that, on one occasion, a plan had been arranged by a female prisoner, who maintains herself by prostitution, to take a girl who was in the same ward with her to her own abode on her discharge. A charge has recently been made of an attempt to commit a crime too horrible to be described. Truly, I lament that in such an establishment as a county gaol opportunities for the perpetration of such, and many similar offences should be afforded ; and I earnestly entreat that measures may speedily be taken to prevent thenceforth the possibility of such occurrences. The fact that ten or twelve male prisoners occupy one small sleeping apartment, is revolting to all feelings of decency, and destructive to morality ; and it must surely be a subject of deep regret that in a county institution such an evil is tolerated.”

* * * * *

“In concluding this report, let me assure you that no language can fully describe the evils which have

existed, and which must continue, until the gaol shall be reconstructed, so as to admit of what observation and some experience have convinced me is most desirable—a modified system of separate confinement. The pernicious effects of the present plan must be witnessed from day to day or they will scarcely be credited. The number of recommitments and the frequent return of many offenders may almost sufficiently prove that no punishment, and no prison discipline can effectually reclaim the criminal, whilst he is associated with characters most agreeable to his vitiated inclinations; nor can the provision made for his spiritual improvement be expected to avail, whilst he is compelled to maintain such soul-destroying intercourse. It is with feelings most painful I have continually to deplore that impressions of penitence seemingly produced, and desires and determinations to amend, which I believe are often felt by prisoners, as well as expressed, during the first few days of their confinement, become gradually effaced and forgotten amidst the contaminating influence of companions more vicious than themselves. It has long been my opinion, and the experience of each succeeding day has confirmed it, that by the present regulations and arrangements of the gaol, vice is encouraged rather than corrected, evil habits are produced and perpetuated, indeed so far from improvement being effected in the moral character of the prisoners, they become worse in proportion to the duration of their confinement, and

when released seek opportunity for the perpetration of those crimes, which have sometimes been preconcerted in the prison,* which converse with their

* I have now in my possession the statement of a prisoner respecting himself and another, given when both were lying under sentence of death, shewing that arrangements for committing the offence, on account of which they were about to suffer, were made whilst associated in this prison.

The following statement has been made to me by a man now [Jan. 1846] in gaol awaiting his trial at the approaching assizes:—"I have been thinking since I have been here what a good thing it is that we are kept apart. I have thought a good deal of what happened through a man I knew being sent to Winchester prison for poaching, about twenty years ago; his name was Thomas Pocock; he lived near me at East Woodhay. He was sent to Winchester for three months, and there he got acquainted with two more men. He came back again to East Woodhay, and one day when he was at work with my brother, those two men came to see him. They all three went to the public house, and about nine o'clock at night they left there, and went and broke into the house of a man named Batten, at Highclere. I understood they threatened to murder him, but whilst they were talking to him, his daughter got out of window and called some of the neighbours. They came and met the thieves, and there was a good deal of fighting, and a man shot Pocock, and he died the next day. Another of them, named Knott, was taken and transported for life; and the other, whose name was Biddlecom, was taken afterwards for highway robbery, and hanged at Winchester. The present Lord Bishop of Winchester was the clergyman at Highclere at that time, and he visited Pocock who was shot, and was with him most part of the time till he died. *All that came of*

fellow criminals has made them more inclined to commit without compunction, and from any punishment for which they hope to escape through the increased cunning they have acquired." * * *

"With truth may it be said concerning what is miscalled the House of Correction at Reading, that the contamination therein promotes the present deterioration of offenders, and tends to ensure their everlasting destruction." * * *

I must ever feel thankful that such a representation was favourably received, and that measures were immediately taken to remedy the evils complained of. A committee formed of twenty-two magistrates was appointed by the court "to take into consideration the recommendations of the chaplain." A searching inquiry was accordingly instituted into the defects which had been described, and the propriety of following out the suggestions

putting men together in prison, and it stands by reason that a great deal of what is bad must come of it."

In a letter I have received from the Bishop of Winchester, his Lordship writes—"I can fully corroborate the accuracy of the statement, as far as it is connected with the circumstances relating to the death of Thomas Pocock; and well recollect having been called up in the middle of the night on the occurrence of the event. The robber lived for some hours after receiving the wound, but was scarcely sensible. I was with him till he died; but he was not in a condition to give any of the particulars of the case." His Lordship is pleased to add—"I hope you will persevere in your efforts to make the system of separation a permanent regulation. The facts of this case afford a strong argument in favour of it."

which had been offered ; and it was resolved that since the buildings then standing were unsuited for such improvements, the entire reconstruction of the gaol was to be desired. A presentment, as required by law, was then made ; a new prison was determined on ; the same committee continued its services ; plans were obtained ; and after the settlement of some legal questions respecting the site, the important work was commenced, which has truly provided a house of correction for this county, and a model of prison construction for all others.

I cannot better conclude this chapter than in the words of a talented writer, who, in an article* on the former edition of this work, after commenting on the noble example thus set by the Justices of Berkshire, and expressing a hope that others may pursue a policy alike liberal, humane, and enlightened, by erecting prisons on a similar plan, proceeds to speak of the necessity, and observes, “ Whether we regard the general peace and well-being of the country, or the temporal or eternal interests of our penal population, such measures of penal discipline must be enforced as may make the punishment an object of dread as well as a means of reformation ; or such at all events, as may prevent our gaols from being, what they now are, the best schools ever invented by the folly, cruelty, or thoughtlessness of man, for deadening religious feelings, degrading the moral character, and teaching and disseminating every species of crime.”

* Law Review, Vol. v., No. ix.

CHAPTER IV.

PRISON ON SEPARATE SYSTEM DESCRIBED.—THE DEBTORS' PRISON.—OBSERVATIONS ON IMPRISONMENT FOR DEBT, AND OPINIONS OF BECCARIA AND HOWARD.

WITHOUT entering into architectural details, or any less interesting questions, it appears to be requisite in the present chapter to describe briefly the various parts of the prison, and to show their adaptation to the purposes intended. The situation has been already spoken of. Sixteen plans having been submitted to the Committee, one by Messrs. Scott and Moffatt, in the Tudor, or Castellated Gothic style, was best approved. The building was commenced late in 1842, and was completed and occupied at Midsummer, 1844. The front of the prison is handsome, sufficiently characteristic, presenting indeed nothing of the gloomy aspect which would be in keeping with a place of mere punishment, yet giving the idea of strength which would forbid escape; and calculated, in some measure, to impress the mind with its corrective tendency as a place of instruction and moral reformation. With the castellated it combines a collegiate appearance. The centre of the front is occupied by a massive gateway, with a lodge on either side. The Governor's and

Chaplain's houses are somewhat further and equidistant from the entrance, and the Deputy-governor's and Matron's residences form the corner towers of the building. Many have remarked that the exterior is in too florid a style, but the observations have, I believe, arisen from the bright appearance of the new stone and bricks. Time, however, has already changed the aspect, and will soon silence the objections. The parts occupied by prisoners are without any kind of ornament, and the decoration, to some extent, of the residences of the officers in front, at a trifling increase of expense, provided the county with a handsome public edifice. The magistrates of Berkshire are neither chargeable with parsimony, nor with the folly of supposing that criminals would be restrained, or offences prevented, by any transitory impression of terror which an unsightly combination of materials might produce. They trusted to rational, hallowed, and therefore more powerful means; and experience, whilst it every day proves the wisdom of their foresight, shows more plainly the error they rejected. The aspect of the most gloomy gaol, though its exhibition of fetters is offensive to the well-disposed, is not found to be repulsive to the vicious. Passing through the gateway, over which the scaffold is erected when the sad spectacle of an execution is afforded, and proceeding into the court yard, at a short distance on the left, is the entrance to the women's prison, entirely separated from the prison for men, into which the females

never enter, excepting to attend divine service in the chapel; to and from which they are conducted without ever being seen by criminals of the other sex. The arrangements of this building, which contains thirty cells, with requisite accommodation in other respects, are so similar to the larger prison, that a particular description appears to be unnecessary.*

Again crossing the court yard, the visitor, on being admitted within the principal entrance to the gaol, finds a descent on either side which will lead him to the basement. In this part he first observes ten cells, light and airy, and furnished with all that the prisoner may require during the first few hours of his confinement: these are called the reception cells. Proceeding from them he passes various store-rooms, the kitchen, the Warders' mess-room, and reaches four cells, a number happily sufficient for their purpose. If courageous enough to enter one of these, and to allow its double doors to be

* I would suggest that in every prison for women some cells should be constructed at least double the size of others, in which prisoners with infants may be confined. I often now find the cells occupied by such most offensive. Painful experience also inclines me to plead for some similar arrangement in the men's prisons, in which sick prisoners who are not so ill as to be removed to an infirmary may be placed. I have recently been disabled for a fortnight, in consequence, I believe chiefly, of conversing with a prisoner suffering from fever in his nauseous cell.

closed upon him, the inmate may realise darkness as intense as imagination can conceive. These cells, used only for the punishment of offences committed within the prison, are similar in construction to those which we shall hereafter describe. The only additional, but generally very effectual punishment of confinement in them, is the deprivation of light, not one ray of which can penetrate. Ventilation is secured, and vacated, when needful, is supplied. In a space adjoining these cells are eight baths suitably constructed, and so separated from each other as to prevent the possibility of intercourse when used by the prisoners.

Near this part is a descent into the sub-basement, in which is placed the apparatus by which steam is generated for the purpose of cooking, &c., and where is also the apparatus for ventilating and warming the cells and other parts of the building. For these objects, so essential to the health and general welfare of the prisoners, most careful and effectual provision has been made. The plan adopted has been that of Messrs. Haden, and has been universally approved of. The ends proposed were to give a constant supply of fresh air, to extract the foul air, and to afford sufficient warmth, without giving any facility for communication amongst the prisoners by means of the pipes required. These purposes have been successfully accomplished, but it would be almost impossible clearly to explain the process without furnishing plans, and entering into a more

full description than the writer thinks consistent with the design of his present work.

Ascending from this part there is a doorway leading immediately to the pump-house, which is divided into ten compartments, in which the crank is worked by as many criminals, and moderate exercise is afforded for each. The various cisterns in the prison are thus supplied with the water required. Passing through this building, the visitor finds himself in the garden of the prison, the culture of which also affords healthful occupation to a limited number of convicts. Here too are the yards for daily exercise of the prisoners, these are sufficiently large for the purpose, with a small portion covered in case of rain, and open railings at each end that a current of air may be secured. Twenty of these radiate from a centre, which is a covered room, having twenty apertures in the wall, so that one officer in attendance has the supervision of this number of prisoners; whilst the occupants of the different yards cannot possibly obtain a sight of each other. A bird's-eye view of this building closely resembles a carriage-wheel; the officers' watch-room being represented by the centre, and the spokes being similar to the various walls of separation.

Supposing the visitor to re-enter by the same door as at first, he is again on the ground floor of the building. On his right is the office of the clerk, and an opposite passage will conduct him to the debtors' prison. This is composed of two wards

occupied by the prisoners during the day, and twenty small rooms, one of which is assigned to each for his sleeping apartment.*

* Happily the number of prisoners for debt has been greatly diminished by recent enactments; but still the system of association in the Debtors' wards is most unsatisfactory, calculated to frustrate the ends of justice, mischievous in its effects on the prisoners themselves, and in proportion, injurious to society. Idleness, noise, and confusion prevail; the industrious become dissolute, and the dissolute more depraved. On no pretext either of justice or policy can imprisonment like this be defended. What a violation of equity, to subject the unfortunate, the friendless, the comparatively innocent, and the most fraudulent, to the same penalty, the same temptations, and the same distress! I sincerely hope that the day is not distant when this prison shall be identified with the rest: when the insolvent who is the subject of suspicion, shall be committed for trial; and the man convicted of fraud, shall be treated as a felon. The case of one occupant of the Debtors' ward at this time, who has been for more than four years supporting himself, or supported by his friends, at an expense which would have paid five or ten times the amount of his original debt, surely calls for more strict investigation, if not for discipline more severe. (This prisoner has recently been liberated after confinement of more than six years.) I quote the following observations on this subject from the Marquis Beccaria:—"The necessity of good faith in contracts, and the support of commerce, oblige the legislature to secure for the creditors, the persons of bankrupts. It is, however, necessary to distinguish between the honest and the fraudulent bankrupt. The fraudulent bankrupt should be punished in the same manner with him who adulterates the coin; for to falsify a piece of coin, which is a pledge of the mutual obligations between citizens, is not

Passing a staircase by which the debtors and female prisoners enter the chapel, the next door opens into the "visiting-room." This is divided into three compartments, separated by iron rails. The prisoner when visited is placed on one side, the friends on the other, whilst the officer in attendance occupies the middle space, by which means all improper intercourse and the conveying of any article

a greater crime than to violate the obligations themselves. But the bankrupt who, after a strict examination, has proved before proper judges, that either the fraud or losses of others, or misfortunes unavoidable by human prudence, have stripped him of his substance; upon what barbarous pretence is he thrown into prison, and thus deprived of the only remaining good, the melancholy enjoyment of mere liberty? Why is he ranked with criminals, and in despair compelled to repent of his honesty? * * * In the former editions of this work, I myself fell into this error, when I said that the honest bankrupt should be kept in custody, as a pledge for his debts, or employed, as a slave, to work for his creditors. I am ashamed of having adopted so cruel an opinion. I have been accused of impiety; I did not deserve it. I have been accused of sedition; I deserved it as little. But I insulted all the rights of humanity and was never reproached." —*Crimes and Punishments*, p. p. 142, 146.

Howard expressed his wishes on this subject in words very similar to those I have used. "I heartily wish that such an alteration were made in our laws with respect to confinement for debt, that none should undergo it but *dishonest* and *fraudulent* debtors. *Such are criminals, and ought to be treated accordingly.*"—*Howard's Prisons, &c.*, 2nd book, conclusion.

to the prisoner is prevented.* Next are rooms for prisoners to consult their legal advisers, &c., and the Governor's office, one window of which overlooks the central hall, into which, through a glazed door, the visitor is now admitted. This is an open space with a lofty dome, on the ground-floor of which are entrances to the visiting justices' and committee rooms, and over these the rooms of the chaplain and surgeon, whilst projecting over the doorway is the office of the deputy-governor, from which he has the supervision of nearly the whole prison.† Three wings diverge from this centre, consisting of wide passages with rows of cells on either side, and a large window at the extremity of each. About the middle of each wing rises a light iron staircase, somewhat resembling the cordage of a ship, so constructed as not to intercept the view. By these the prisoners ascend to the corridors, consisting of two stories of cells, opening into narrow galleries which

* Prisoners committed for trial are allowed to see their friends on any day, at suitable hours; but convicted prisoners can only be visited once in three months.

† Nearly opposite this entrance are seen two upright bars. By means of a windlass the provisions of the prisoners, having in the kitchen been placed on trays, are then wound up these bars through a trap-door to the corridor; the rations are then removed to larger trays, which run along the rails of the galleries, and are doled out at the doors of the successive cells. Thus the serving of such a number, which would otherwise be a tedious process, is very speedily accomplished.

project a short distance from the walls, leaving the arched roof visible throughout.

On entering a cell it will be found light, sufficiently large—being 13 feet in length, 7 in breadth, and 10 in height, thoroughly ventilated, and of healthful temperature (54 deg., Fahrenheit.) Each is furnished with a small table and stool; shelves, on which are seen a pewter plate, a cup, and other requisites; a drawer, containing various articles necessary for cleanliness; and under this hang the prisoner's brushes, coverings for his knees when cleaning, &c. On the top of these shelves is a roll fastened by a strap. This is the hammock, composed of cocoa-nut fibre, and enclosing a small mattress with other bedding, enough for the comfort of the prisoner. When prepared for use, this is swung across and secured by iron fastenings in the side walls of the cell. Projecting from one corner is a small cistern, from which pipes are laid on to a copper bason, and a sufficient supply of water is afforded for washing and other purposes, so that any necessity for leaving the cell is prevented. A gas burner is also seen over the table, and four cards are suspended along the walls, one containing extracts from the prison rules, another some particulars of the prisoner, the nature of his offence, the term of his imprisonment, &c.; the third is an appropriate form of morning and evening prayer; and the fourth, a short exhortation to say grace before and after meat, with a suitable form. Every apartment

is also furnished with a Bible and Prayer Book, besides such other books and tracts as the Chaplain may consider adapted to the prisoner's state of mind, or likely to prove of advantage to him in the future circumstances of his life.*

Under a system of separate confinement it is most important that every culprit should have the power of calling for immediate assistance if required. A handle, by means of which a large bell is struck, is accordingly provided in each apartment, and by an ingenious contrivance the same turn of the handle causes a small bracket, on which the number of the cell is inscribed, to fly out from the wall, so that the warder on duty sees at once where his attention is desired. In the door will also be observed a locked panel, which is opened to supply the inmate with his food, &c., and above this is a small glazed aperture, through which the prisoner may be watched at any time, whilst a covering of dark wire gauze within prevents his knowing when he is the object of inspection. The locks, too, are so constructed as either to project a bolt which must prevent the door being closed, or when it is intended to fasten them

* One of these—"Friendly Advice to a Prisoner," has been recently published for the author of this volume, by the Society for promoting Christian Knowledge, and he trusts that it may be found suitable for prisoners in separate confinement. Another, "A Chaplain's Word at Parting," intended for criminals when liberated, has been also published by the same society.

from without, by touching a spring, this is effected in a moment.

From the uppermost corridor there are two entrances to the chapel, which next claims our attention. This edifice is so arranged, that whilst all can unite in divine worship, the plan of separation is carefully preserved. To this end rows of pews or stalls are constructed one above another. These rows are filled successively, but each prisoner as he enters closes the door of his pew before the next is admitted, and a common bolt secures the whole row when filled. It is also contrived that the shelves of the higher tier should conceal the heads of the persons occupying those below. Thus prisoners are prevented seeing each other, and in order to check any attempt to converse, seats above these pews are filled by six of the officers during all the more public services.* Below these secluded rows are open seats provided for debtors. It will be observed that all the pews radiate in such a manner that the pulpit

* Intercourse between the prisoners would have been more effectually prevented if a passage had been formed behind each row of pews, thus allowing the doors to open at the back. The transmission of sound would have been more difficult, and the temptation less. At present a large proportion of the prison offences consist of the attempts of prisoners to communicate with each other in the chapel. Another advantage of such an arrangement would have been that, on any inmate being taken ill during divine service, which must occasionally happen, his removal would have been easily effected without disturbing, as at present, others in the same row.

is visible from every one, and of course all the occupants may be seen by the Chaplain when officiating. Near the desk a gallery is erected, containing pews for the Governor's and Chaplain's families, and additional seats for other officers of the establishment. The communion table, with its appropriate furniture, is opposite to the prisoners' seats ; and at the back of them an arch is left open, in which an organ has lately been erected.*

Some account may here be given of the manner in which the prisoners are dismissed from the chapel. By entering one of the pews a letter and number will be seen on the shelf in front, and in a kind of telegraph, placed near the pulpit, corresponding letters and figures are provided. The prisoner seeing such, by this means, presented to his view as are similar to those before him, knows that he is then to leave his place. Thus all noise and confusion are prevented, and prisoners are kept at any distance from each other that may be desired.

Adjoining the chapel is a small vestry ; and behind this, four rooms of suitable dimensions, forming an infirmary, which have been hitherto but little used as will be hereafter shewn.

* The Chaplain would take this opportunity of thanking all who by their liberality enabled him to provide an organ. He considers that one should be erected in every prison chapel. The peculiar circumstances of the congregation render such an instrument especially requisite ; indeed, so great is the difficulty of conducting the psalmody without such an accompaniment, that it is almost indispensable to the performance of that portion of Divine worship.

CHAPTER V.

EXPENSE OF CONSTRUCTION, ETC.—OBJECT WORTHY THE
COST.—TABLE SHEWING DIMINUTION OF COMMITTALS.—
TABLE OF COSTS.—SEPARATE SYSTEM PREVENTIVE, COR-
RECTIVE, AND ECONOMICAL.—TWELVE OR EIGHTEEN MONTHS'
CELLULAR IMPRISONMENT SUFFICIENT.

It is not my purpose to enter at any length into the question of the expense incurred in the noble work which has been accomplished. The cost, which was certainly great, might probably have been less had the building been delayed until prisons on a similar plan had been erected in other places. But could any pecuniary saving have compensated for the continuance of moral evils, known, acknowledged, and calling aloud for correction?—evils which were entailing a growing expense in prosecutions, and punishments which gave no hope of reformation. Happily the day is passed when such an argument could be maintained or tolerated. Cheaply has the county of Berks purchased the reputation of having first adopted, as a complete system, the most remarkable, and perhaps the most

merciful improvement of modern days. A system of penal treatment by which vices, once propagated by punishment, are now prevented ;* and whereby the public morals, once endangered, are now promoted. Other and yet higher motives have been recognised. Happily the influence of our holy religion is felt by those who administer the law. Its truths control both opinion and practice. The magistrates of our land are increasingly

* I do not particularly insist on the very great diminution in the number of our commitments during the past year (1845), although nearly one fourth less than in preceding years, since it must be admitted that the sufficiency of employment and cheapness of provisions may in some measure account for the fact. I say, in some measure, because I am very sure that our criminals are not generally of a class whose conduct previously was regulated by circumstances, which facilitate or render difficult the obtaining industrial employment. They were dissolute and idle ; and aversion to labour, rather than the impossibility of obtaining it, was, in most cases, the cause of crime. On such characters the dread of our present discipline operates as a most salutary restraint, whilst its corrective effect on those subjected to its influence, still further prevents the repetition of offences.

The following table will shew the number of prisoners committed to Reading and Abingdon county gaols during the last five years of the ordinary system of prison discipline ; viz., the association of prisoners, and the punishment of hard labour ; compared with the three years of the new system, viz., that of the entire separation of prisoners, corrective instruction being substituted for the corporal punishment of the tread-wheel :—

sensible of the inestimable value of the human

PRINCIPAL OFFENCES.	PRISONERS ASSOCIATED.					Average of 5 yrs.	PRISONERS SEPARATED.					
	1840	1841	1842	1843	1844		1845	1846	1847	Average of 3 yrs.	Decrease	Increase.
Committals on charge of Felony	116	108	121	121	106	114	72	83	130	95	19	
On charge of Misdemeanour.....	14	19	15	22	28	19	11	17	21	16	3	
Convicted Felons	175	160	193	188	155	174	122	145	182	150	24	
Conv. Misdemnts. & Summary Conv.	323	345	296	311	518	358	332	312	439	363		
Assaults	83	80	53	56	86	71	58	82	69	70	1	
Game Laws.....	69	85	101	122	141	103	90	66	47	68	35	
Vagrants	205	140	141	78	120	137	87	106	114	102	35	
Total	985	937	920	898	1154	976	772	811	1002	862	114†	
Debtors, Soldiers, & Prisoners, com- mitted for, & disc. on re-examination...	98	91	158	96	57		70	60	48			
TOTAL	1083	1028	1078	994	1211	1089	842	871	1050*	964		

* The cause of increase this year is shewn in the Report, Vol. ii.

† From which number we must deduct five, the increase of Summary Convictions, leaving a diminution of 109 per annum.

soul.* The remembrance of its origin—the consideration that it once did, and may yet resemble its Creator—the certainty of its everlasting continuance in a state, either of happiness or misery, and this dependant upon whether that likeness shall be alto-

The average of the last five years, during which, prisoners were associated and unprofitably employed on the treadmill, presents the fairest calculation possible of the nature and extent of crime at that period; and that average, it will be observed, amounts to 976. From Michaelmas, 1844, to Michaelmas, 1847, the operation of our improved discipline (certainly to a great extent, if not wholly) is presented, the total average of the three years being 862, shewing not only the reduction of 109 per annum, but a diminution in every description of crime.

* Only a day or two since, a magistrate, on coming out of the cell of a man convicted about ten months since of sheep-stealing, observed to me with much feeling—"Surely the change in that man must repay all the expense we have incurred!" The observation forcibly recalled to my mind the exclamation of a venerable dignitary of our church:—"How glorious a result! How rich a prize for the expense of a man's whole life, to have been the means of saving one soul!"

Nor are the forcible remarks of a living prelate less deserving of solemn attention:—"It may be said that experience has given us but slender grounds of hope, that the cases are but few in which old and practised offenders have been effectually reformed by punishment, even when accompanied by the kindest and most judicious instruction. Be it so, yet none will presume to deny that instances of such reformation *have* occurred however rarely, and is not the bare possibility of its being effected in a single instance sufficient, I will not

gether lost, or by some means restored. Reflections becoming their station, and well befitting highly cultivated minds, together with a deeper conviction of their responsibility as God's ministers, to whom authority is entrusted, evidently operate with greater force upon the decisions and conduct of those to whom He has delegated the power to punish, but not to injure. Hence there is a dread of subjecting the less criminal offender to the society of those whose intercourse must tend to efface every remaining feature of rectitude, and to disfigure and degrade the character beyond the hope of recovery. The sword of justice is now really tempered with mercy. It is no longer regarded merely as the weapon by which the violated law must be avenged, but as the instrument of correction, which, whilst it necessarily inflicts a painful wound, applies at the same time a remedy whereby the moral life of the diseased sufferer may be preserved or restored. What friend to humanity must not feel delight and gratitude in reading

say to justify, but to require all the exertions of Christian charity, which, great and painful as they may be, are not more than commensurate to the value of a soul ! And is not one case of genuine repentance and turning unto God, one victim rescued from the great destroyer of souls one trophy raised by the grace of God over the powers of sin and death, a large and abundant recompense to those who have been permitted to become instrumental in so charitable a work ? *Know that he which converteth the sinner from the error of his ways shall save a soul from death, and shall hide a multitude of sins.*"—*Bishop Blomfield.*

such remarks as the following :—“ Could conscientious minds remain blind to the glaring truths thus manifested ? How fearful to every man of ordinary reflection was the knowledge, that as surely as in the execution of our painful duty as magistrates, we committed a simple-minded labourer for some unimportant though statutable offence, so surely that labourer's moral character could escape demoralization by nothing short of a miracle. * * * I thank God that we have been thus armed with power to disarm evil ; that the only power worth a moment's seeking has been given us—the glorious power of benefiting our fellow beings ; of protecting the mind and body of all presumed to be innocent, from the contagion and insult of guilt ; of saving even from themselves, the thoughtless and unfortunate, the ignorant and the criminal. In the discharge of our public duties we now rejoice in the knowledge that at least the committed prisoner receives no injury at our hands. We no longer doom him to the gloomy certainty of coming out of prison a worse man than he entered.”—*W. Merry, Esq.,—Reply to Sir R. Vyryan.*

It is truly cheering to find the administrators of the law thus rejoicing that they “ bear not the sword in vain,” that “ being armed with power,” they are no longer themselves compelled to abuse it ; but can be “ the ministers of God for good,” to those who are subjected to their authority, and consequent restraint. And, perhaps, yet more cause for rejoicing

is afforded when legislators and sovereigns express sentiments like the following :—

“ Noble exertions have been made even for such as have gone astray in the paths of vice, whom we have begun to consider less as outlaws, or as beings for ever expelled from society, than as misled fallen fellow-creatures, for whose reclamation and improvement we feel ourselves called on to think and to act. It has been seen, that the duty of society is not only to resent and punish the crimes committed, but also carefully to seek out their causes, and, so far as it is in human power, to remove them. * * * The question of the correction and improvement of our fallen fellow creatures, touches the great branches of the state too nearly not to be embraced by all its members. It is only by this means that a beneficent link can be retained between the public and the house of correction. The criminal must be condemned to lose his freedom and to be separated from society, in order to put it out of his power to injure, and be restored, if possible, by means of a rational punishment, to reflection and to better purposes; but society must with tender sympathy and paternal care follow even its misled children. The solitary cell ought to be inaccessible to the outer world, but not to the admonishing and instructing voice of the philanthropist. “ I was in prison and ye visited me,” say the Scriptures; may this heavenly doctrine not be lost, but manifest itself in action! It is not enough to complain of disorders and crimes committed, to shew sometimes a childish fear for a dreaded violation of justice, but draw back from all participation when any claim is made on exertions or activity on our own part. The evil cannot be conjured away, either by the dead letter of the author, or by the public condemnation; it must be attacked at the root with earnestness and determination.”—*The King of Sweden.—Punishments and Prisons, p.p. 6. and 89.*

There are persons, however, to whom the apparent increase of expense may be an obstacle to so great and evident an improvement.* It may therefore be proper to mention some considerations which may induce the strongest advocates of economy to be strenuous promoters of such a plan. With respect to former systems it may surely be urged that the cost of prisons and punishments, which instead of reforming the character and repressing crimes, tend rather to contaminate the innocent and to harden the offending, must be altogether worse than wasteful. It is an outlay by which the very evils are produced which it is the avowed purpose to prevent. The very expenditure creates a further demand.† On the other hand, a

* I learnt with regret that some rate-payers in another county recently petitioned against the introduction of the separate system of confinement solely on account of the expense it incurred. In a debate on this subject, in 1779, Mr. Wilberforce observed,—“ If we wish to consult economy, if we wish to resort to a plan which should reduce the expence of supporting those whose vices point out the necessity of their removal from honest society, that advantage will be secured by this system ; but that, though of some consequence, is secondary to the other good consequences which must follow in the train of such an institution.”

† “ Under such circumstances (the mingling of prisoners) no improvement could be gained ; humanity was disappointed in its hopes ; the state loaded with considerable expences, without corresponding advantages ; and this mutual instruction in vice and crime, as expensive as it was destructive,

system which acts both as a preventive and corrective punishment, not only affords satisfaction by accomplishing the end proposed, but as a necessary consequence the expenditure must decrease. This will result in various ways. There will be a diminution in the number of committals and re-committals, and therefore in the cost of maintenance, &c. The number of prosecutions will also be lessened;* and in another important respect a considerable saving may be effected. When it was proposed to introduce the separate system into France, and to build prisons accordingly, one argument used by the Minister of the Interior was, that although the cost of construction would be greater, yet since, in determining the duration of punishment, what was added in severity would be taken into account, the contracted term would cause a decrease in the expense. I feel sure that this principle may with safety be acted upon with respect to long periods of imprisonment. For instance, the criminal whose offence might, under other discipline, have demanded a punishment of two years' duration, may, when punished by this means, be sentenced to an imprisonment of twelve or eighteen months. The increased severity will afford equal satisfaction to the violated law—(if the

only gave new nourishment to the evil, and soon spread its consequences in a manner highly dangerous to the public safety.—*The King of Sweden.—Punishments and Prisons*, p. 13.

* See page 94.

* I have been favoured by a magistrate with the following statement, showing the cost of prosecutions, and of the maintenance of prisoners, tried at the Sessions and Assizes in this county, during four years respectively:—

1841—NUMBER OF PRISONERS, 1028.				The average period of Assizes Commitments was 81 weeks.	
Tried at the Assizes	73—at a Cost of £1,104—16 12 9 each	2) 23 17 2		The cost of maintenance, &c.,	16 6 6
----- Sessions	122—at a Cost of 881—7 4 6 —			10s. 6d. per week	11 14 7
Summarily Convicted	884				
	Average Cost of Trial	11 18 7		Total ..	£224 4 1
1842—NUMBER OF PRISONERS, 1074.					
Tried at the Assizes	65—at a Cost of £ 814—16 8 8 each	2) 24 14 8		Maintenance, &c.	16 6 6
----- Sessions	135—at a Cost of 1,266—9 6 0 —				
Summarily Convicted	890			Average Cost of Trial	12 7 4
				Total ..	£238 12 10
1843—NUMBER OF PRISONERS, 994.					
Tried at the Assizes	92—at a Cost of £1,690—17 8 0 each	2) 24 9 8		Maintenance, &c.	16 6 6
----- Sessions	180—at a Cost of 961—7 6 8 —				
Summarily Convicted	772			Average Cost of Trial	12 4 7
				Total ..	£239 4 7
1844—NUMBER OF PRISONERS, 1211.					
Tried at the Assizes	74—at a Cost of £1,070—14 9 2 each	2) 21 18 1		Maintenance, &c.	16 6 6
----- Sessions	128—at a Cost of 916—7 8 11 —				
Summarily Convicted	1014			Average Cost of Trial	10 19 0
				Total ..	£274 4 6

vindictive principle be recognised)—correction, I believe, will generally be effected in that time, and as an exemplary punishment, its power in deterring the vicious will be more effectual on account of the increased dread with which it is regarded.*

N.B. The cost of maintenance, &c., in prison, at 10s. 6d. per week, is here calculated at £16 5s. 6d. per head, only on Sessional convictions. The cost is to be calculated also on the more extended convictions of Assizes; and to this again must be made an addition for maintenance previous to trial. So that to reckon each convicted prisoner at a cost of £30 is a moderate computation, much under the actual charge upon the county.

It is not unworthy of remark, as shewing the vast proportion of judicial business transacted by gentlemen of the county, that out of a total of 4311 prisoners in the above four years, 291 only were tried at the Assizes. Of the remaining 4020, 510 were arraigned at the Sessions, and 3510 were summarily convicted. The time and labour thus gratuitously devoted by the Magistracy should be known and appreciated, and the economist may rejoice that at so little expence justice is promptly and efficiently administered.

* It must not be inferred that if long terms of punishment may thus be contracted with the hope of equal advantages, shorter imprisonments may also be diminished in the same proportion. I am sorry to differ on this subject with an excellent magistrate of this and an adjoining county, who, when recommending separate imprisonment to the Parliamentary Committee, observed—"As it would be more severe, where we have the power to imprison for one month, I would give the power not exceeding twelve days; where we have the power for two months, I would give the power not exceeding sixteen or twenty days. Solitary confinement is

As this improved system of prison discipline shall become general, a source of prodigious national expense will also be checked, and I trust that the threatening state of our penal colonies need no longer alarm. Our Judges now but seldom transport offenders on their first conviction. Whilst criminals were associated in prisons such clemency did but defer the evil. The mitigated penalty of such imprisonment only ensured the repetition of crimes, and

very little felt until after the eighth day ; and, in my opinion, if any of the prisoners were asked at Brixton whether they would go upon the wheel for a month, or take eight days' solitary confinement, they would choose the eight days' confinement ; but if asked whether they would take fourteen days, they would choose a month on the wheel. It is upon that I have founded the scale I at present submit.'

I have, in the reports annexed, stated, that although contamination is prevented, so that the prisoner does not under the separate system become worse, as is the case when associated, yet I believe that very short imprisonments, even under that discipline, are seldom corrective. The statement above, as to the increased punishment, and respecting the feelings of many prisoners, I have observed to be most accurate ; and if the design of imprisonment were to inflict such a measure of punishment for so much wrong done, it would be accomplished by the means recommended ; but if the end proposed be to prevent others from offending, and by instruction and moral discipline to reform the criminal himself, the shortened period must prove insufficient, and the purpose fail. A sentence of less than ten or twelve weeks, although it may punish, can scarcely be said to afford the prisoner the corrective advantages of the present system.

thus entailed a sentence more severe. This I feel confident will cease to be the case under the corrective process of separate confinement. I have not seen one criminal convicted of any of the more heinous offences, and sentenced to several months' imprisonment, whose character has not been improved, and yet some when committed have been apparently desperate, and were so reported. So unexpected, and yet so decided has been the change in many prisoners that I have learnt to regard none as incorrigible under this discipline, and should it be determined to punish those only with transportation on whom separate imprisonment for twelve or eighteen months shall have failed, I believe the criminal population of our colonies will rapidly decrease.*

I conclude this subject of expense with the following extract from a letter of M. De Metz, who visited the American prisons under a commission from the French government.

"The question of expenditure is the greatest and only obstacle in the way of the general introduction of the Separate System. * * * But considerations of economy are precisely those which ought most powerfully to prevail in

* As might be expected, a few criminals who had been several months in prison have been recommitted since the above was written. But these cases have been so few, and their circumstances as described in the subjoined reports so remarkable, that a reference to them will shew the opinions I have expressed must be retained.

favour of that determination to which I trust you will come ; for in considering the numerous defects which must render vain all attempts to establish any system which contemplates the association of convicts together in silence, you must take into account what must be the effect of so large a sum *utterly lost*, if, upon trial, we shall be compelled to abandon a system now introduced at considerable expense, in order to make way for one more effectual. And if we can show that the saving which must accrue to the State from the very application of the system, must, in many respects, outweigh the cost of its establishment, by effecting the amendment of the convicts, and by thus diminishing the number of convictions and of recommitments, the term of imprisonment, the population of prisons, and the expense of prosecution, the objection will fall at once to the ground.

“ But why do we speak of expense, when the point at issue is the fundamental question respecting the public good, and the extirpation of an evil that preys upon the very vitals of society ? The truth is, a country is not exhausting its resources when it is establishing useful institutions ; on the contrary, it is enriching itself.

“ Besides, are we to be occupied with pecuniary considerations in a matter affecting morality and civilization ; and, at the same time when such vast sums are expended upon objects of luxury and embellishment, is it right to bargain about questions in which public morals and public security are so deeply involved ? ”

CHAPTER VI.

PREJUDICES AGAINST SEPARATE SYSTEM.—WHENCE DERIVED.—EXPERIMENTS IN AMERICA.—MISTAKES CORRECTED.—MISREPRESENTATIONS EXPOSED.—OBSERVATIONS OF REV. C. R. DEMME, THE INSPECTORS, AND CAPT. MARRYATT.—THE SEPARATE SYSTEM IN ENGLAND.—AT HORSHAM.—ANECDOTE OF LORD MANSFIELD.—THE SYSTEM AUTHORIZED BY THE LEGISLATURE.—APPROVED BY SIR S. ROMILLY, WILBERFORCE, AND HOWARD.—ORIGIN OF THE SYSTEM. DRAUGHT OF A BILL, BY THE SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE.—SEPARATION PROPOSED BY BUTLER AND PALEY.—PENITENTIARY AT GLOUCESTER, MILBANK, AND PENTONVILLE.—THE SYSTEM DESCRIBED.—ITS ADVANTAGES TO PRISONERS BEFORE TRIAL.—MRS. FRY.

AN attempt will be made in this chapter to correct the mistakes and to remove the prejudices which have prevailed so generally against the system of prison discipline, for which the gaol we have described is adapted; and to convey some more accurate notion of what is intended by the plan of separation which has been introduced.

The causes of repugnance to this mode of punishment are various, but all arising, it is believed, either from misconception or from misrepresentation. Historical recollections lead us to connect the idea of imprisonment in the separate cell with the horrid

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dungeons of former days, in which the lonely victim of cruelty and oppression was incarcerated, and where all was dismal and calculated to induce despair. Again, the entire failure of punishment whilst prisoners were associated gave occasion to the trial of some most injudicious experiments in America, where, from the plan pursued, we might suppose the object to have been to inflict an excess of exemplary punishment by constant, cheerless, and long-continued solitude, rather than to ascertain what term of seclusion might tend to produce repentance and repress crime. I extract the following account from the Third Report of the Inspectors of Prisons. Home District :—

“ In the year 1822, it was determined to submit the Separate System to the decision of experiment ; and the following is a description of the cells in which the trial was made in the State of Virginia :—‘ The solitary cells are arranged in the basement story, and the side of the passage leading to them towards the interior yard consists of a solid brick wall. In entering the solitary cells through this passage from the yard, it is necessary to use a candle or torch. In the cells arranged on the side of this dark passage, the convicts, who are generally condemned for the first six months to solitary confinement, receive this part of their punishment. It is very severe ; for the cells are dark, and damp, and cheerless. A small sash placed above the prisoner’s head, admits a faint light ; the water stands in drops on the wall in damp weather, and no provision is made for warming the cells at any season of the year. An instance has occurred in which a prisoner’s feet were frozen while enduring the term of solitary confinement in one of these cells. Some of the cells in this prison,

designed for solitary confinement, have no window or orifice for the admission of light, and the only ventilation is through a small orifice in the door, opening into the dark passage.' The superintendent says, in a letter concerning the effect of solitary confinement in the first class of cells, which are far less dismal than the last, 'I consider it, under the present laws, imminently dangerous to the health, and, of course, to the life of some of the convicts. There are some whose constitutions are not injured, but they are comparatively few in number. The instruction is almost nothing. No provision is made, either by the State, or by individuals, for any religious instruction on a Sabbath, and sometimes months together have elapsed without a religious service of any kind.'

"An experiment was made in the State of Maine about the same time, in cells which are thus described :—'The cells are pits, entered from the top with a small ladder, through an orifice about two feet square; the ladder is removed when the convicts are in the cells. The orifice is secured with an iron grate used as a trap-door. The only other orifices in the cells are one in the bottom, about an inch and half in diameter, to admit warm air from underneath, which is heated by a furnace; and another in the side of the cell, about one and a half by eight inches. This orifice has an angle in the wall, to prevent the convict from seeing any person without. The cells are 8 feet 9 inches long, 4 feet 6 inches wide, and 9 feet 8 inches high.' It is added, 'Many of the convicts sent to the State Prison were, at the time of their arrival there, afflicted with diseases, and some with incurable diseases.' Such were some of the prisoners upon whom this experiment was made, and such were the dimensions of the cells in which those unhappy persons were immured. Another experiment was tried at Auburn, in New York. By an Act of the Legislature of that State, passed in April, 1821, a selection of the oldest and most heinous offenders in the Auburn prison was directed to be made. Upon which 80 convicts were immured

in cells 7 feet by $3\frac{1}{2}$, and 7 feet high. The only opening from the cell, except the ventilator, was the door, in the upper end of which was an iron grate about 20 inches by 18; through this grate all the light, heat, and air, which the prisoners had were admitted. The ventilator, which was about three inches in diameter, extended from the back of the cell to the roof of the building. It will be perceived how very inadequate the ventilator must have been, from the fact just stated, that the opening in the upper part of the door was the only aperture through which any fresh air could find admission, and that, consequently, a stagnation of air in the lower part of the cell must have ensued, which would be exceedingly prejudicial to the health of the prisoner. As exercise in the open air was not permitted, the convicts were compelled to remain standing or moving on their feet in their narrow cells during the whole of the day. No instruction, intellectual, moral, or religious, was ever given. Your Lordship will not be surprised on learning the result of this ill-judged and inhuman experiment, which was continued for ten months. Several of the unhappy convicts became insane; the health of the greater part was seriously impaired, and some escaped narrowly with their lives. It was pretended, likewise, that a fair experiment had been made at New Jersey; but, in truth, the trial there attempted, does not deserve the notice of any one who desires to investigate the nature, and weigh the pretensions, of the system of separate confinement; for, although the convicts were in separate cells, yet, they were so ill-constructed that several of the prisoners could converse with as much ease as if they had been in the same apartment."

A further trial, equally unmerciful, was made at Auburn, in New York, respecting which I extract the following particulars from the work of M. M. De Beaumont and De Tocqueville:—"In 1821, there were placed in the north wing of the prison, eighty

criminals, a cell being assigned to each. This trial, from which the advocates of the plan promised themselves so much success, was fatal to the greater part of the prisoners; to reform them, they were subjected to complete isolation. But this absolute and uninterrupted solitude is beyond human endurance; it consumes the criminal without respite and without pity. It does not reform; it kills.

“The unfortunates upon whom this experiment was made, fell into a state of depression so manifest, that their guardians were struck with it; their lives appeared to be in danger if they remained longer under such treatment. Five of them died during one year. Their moral condition was not less wretched; one became mad, another in despair, taking advantage of a moment when the gaoler brought him something, threw himself from his cell running the risk of almost inevitable destruction.

“Upon effects like these, the system was adjudged to be unsuitable. Twenty-six of the solitary prisoners were pardoned by the governor of New York, and those to whom such favour was not shewn, went out during the day, and were allowed employment in the common workshop. Since this time (1823) the solitary system has been entirely discontinued at Auburn. Proof was soon afforded that this system, fatal to the health of criminals, could not reform them. Of the twenty-six whom the governor pardoned, fourteen were re-committed to prison in a

short time for fresh offences.”—*Système Pénitentiaire, Première partie, Chapitre 1, 91.*

Respecting the unhappy consequences above described, I quote the following remarks of the King of Sweden :—“ This sorrowful result of an attempt, on which such great hopes had been placed, depressed many minds, shook the conviction of others, and the philanthropic idea, of endeavouring to unite the criminal’s improvement as far as possible with his punishment, ran the danger of being considered as an empty and childish vision. But a great and true idea once uttered, is immortal ; the development of the good it aims at, can certainly be delayed for some time by exterior circumstances, but it can never be smothered or annihilated.”—*Punishments and Prisons, p. 36.*

Happily in America, as elsewhere, the attempt to improve the character by mere punishment has been abandoned, and a system of prison discipline has been introduced, with the purpose of correcting offenders and preventing vice by means more judicious and humane. This attempt has been eminently successful ; yet it will be long ere the recollection of former negligence,† mistakes, and cruelties, will cease to influence the judgment, so as

* The editor of the “ United States Gazette,” in 1835, stated that some years before, “ a prisoner had been for some crime thrust into the Walnut-street Prison ; his situation was not made known to the keeper, and he perished miserably, without being able to make his voice heard.”

to allow those evidences to be satisfactory, which would otherwise be conclusive. I trust, however, that the testimony I shall adduce may greatly, if not entirely, remove the prejudices which prevail in the minds of many of the most benevolent and just.

Before quoting the opinions of some who have most carefully scrutinized the operation of separate confinement, and its effects in America, it will be proper that reference should be made to the shameful advantage which has been taken of the general want of information on this subject, by a writer whose works have obtained a wider circulation than his veracity deserved. The subject was of by far too serious a nature for discussion in a mere volume of amusement; but perhaps the light character of the work may increase the mischief, since numbers of its readers are of a class whose taste will not lead them to make such enquiries, or to consult such creditable authors as might effectually remove the false impressions which have been produced. The scandalous statements referred to have been so satisfactorily contradicted in an interesting volume, recently published by one who has himself visited the American prisons, and conversed with the very criminals who are the subjects of mis-statement, that I quote his observations at some length :—

“ From the manner in which that writer has chosen to treat the subject of prison discipline, we should have considered his statements altogether unworthy of notice, possessing, as we did, the means of irrefragably confuting them, had it not been

for the importance attached to his writings as an authority upon the point. * * * 'In the outskirts stands a great prison, called the Eastern Penitentiary, constructed on a plan peculiar to the State of Pennsylvania. The system here is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong. In its intentions, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of prison discipline, and those benevolent gentlemen who carry it into execution, *do not know what they are doing.*'

* * * Mr. Dickens certainly gives credit to 'those benevolent gentlemen' who have 'devised the system of prison discipline' there in operation, for good 'intentions'; but this fugacious prison inspector (two hours, according to the *Philadelphia Courier*, Dec. 9th, 1843, having been the extent of his visit), with an effrontery unwarranted by his age or experience, questions the judgment and practice of veterans, we say, in the cause of humanity and philanthropy,—the judgment of men who have devoted a lengthened period of unremitting assiduity and anxiety to promote the well-being of the crime-stricken inmates of their penal institution. * * *

A few queries may be proposed for Mr. Charles Dickens' consideration. When he ranged the corridors of the Eastern Penitentiary, and scrutinized its inmates from cell to cell, did any condemnatory epithets escape his lips either of the 'men' who had been the promoters of the erection of the prison, or of the discipline there manifested? Did he then estimate 'the immense amount of torture and agony' inflicted within its walls? Did he at that time receive his impressions of the 'slow and daily tampering with the mysteries of the brain' to which the criminals were subjected? And did he, to the 'two gentlemen officially connected' with the Institution who attended him, denounce the confinement there pursued 'as a secret punishment which slumbering humanity is not roused up to stay?' And did he then 'solemnly declare, that, with no rewards or honours, could he walk a happy man beneath

the open sky by day, or lie him down upon his bed at night, with a consciousness that one human creature, for any length of time, no matter what, lay suffering this unknown punishment in his silent cell, and he the cause, or he consenting to it in the least ?'

"We put it to him as a man of honour,—Did he not, on his visit to the Eastern Penitentiary, express himself highly gratified, making one exceptive remark upon the length of sentences ?"

The following is given as a specimen of Mr. Dickens' misrepresentations :—

"There were three young women in adjoining cells, all convicted at the same time of a conspiracy to rob their prosecutor. In the silence and solitude of their lives, they had grown to be quite beautiful. Their looks were very sad, and might have moved the sternest visitor to tears. One was a young girl ; not twenty, as I recollect ; whose snow-white room was hung with the work of some former prisoner, and upon whose down cast face the sun in all its splendour shone down through the high chink in the wall, where one narrow strip of bright blue sky was visible. She was very penitent and quiet ; had come to be resigned, she said (and I believe her) ; and had a mind at peace. "In a word, you are happy here ?" said one of my companions. She struggled—she did struggle very hard to answer, Yes : but raising her eyes, and meeting that glimpse of freedom over-head, she burst into tears, and said, "She tried to be ; she uttered no complaint ; but it was natural that she should sometimes long to go out of that one cell ; she could not help *that*," she sobbed, poor thing !"

"In giving the history of these 'three young women,' Mr. Dickens, perhaps, might well be spared having his opinions and partialities so severely tasked ; the fact is—they were of

the inferior class of low women to whom the appellative 'beautiful' was inappropriate and unworthy; *two of them were Mulattoes and one of them a Negress!* Surely, he (Mr. Dickens) the critical observer of human nature, must have expected the poetry of his compositions to have raised them above contrast or examination! but he will find it much safer to make up sympathies of unreal life, where the character of his own labours, and not that of valuable institutions, are liable to be affected. * * * *

"Before we bid farewell to this gentleman, we will venture to refer him to the sentiment of a popular authoress of the last generation, from whom he may derive a lesson that may be useful to him in his future literary career, particularly when he attempts a description of incidents connected with *real life*,—I never mix truth with fiction; all that I relate in journalising is STRICTLY, NAY, PLAINLY FACT."—*Prisons and Prisoners*, p.p. 96, 114, 121.

I proceed to quote some observations which explain the true nature and effects of the system which has been so misrepresented. The Rev. C. R. Demmé, minister of the Lutheran Church in Philadelphia, thus writes:—

"Permit me in the first place to render thanks to the Secretary of your Board, for it was through his instrumentality that I became better acquainted with an institution, to the principles of which I had been decidedly averse, but which I have since learned to regard as the execution of an idea, suggested by the most enlightened and active benevolence, and as a measure that promises to produce the happiest results on the moral character and condition of society. I had seen solitary confinement on the continent of Europe, and disgust mixed with horror, will remain the indelible impression. Admitting that it would bear a very different character in your intended establishment, and granting that its effects would be greatly in-

fluenced by the peculiar temper and constitution of the body, as well as by the frame and turn of the mind of each individual, yet I thought that the necessarily attendant evils would be an impaired constitution, brutish insensibility and lethargy, or incessant anxiety, settling down to gloomy dejection and melancholy; and if the prisoner should be aroused from that state, resentment, malignity, and purposes of being soon revenged on society by a repetition of the same offence, or the commission of others of a still greater moral turpitude, would follow. So I looked on with deep solicitude while the building on Cherry-hill (the Eastern Penitentiary) was in progress; willingly would I have assisted in taking down every stone, and would have considered it a work of benevolence to have done so. When the system had been in operation about six months, I was requested by the gentleman above mentioned to speak to one of the prisoners, a German, who asserted his innocence of the crime for which he was sentenced. He was desirous that the convict might be addressed in his native language, hoping that by this means access might be had to his heart. I went, but with reluctance. Since that time I have been there repeatedly; and, as every opportunity was afforded me for it, I have conversed with many of the prisoners, have become better acquainted with the principles of the institution, and the effects it has produced; and this has changed my sentiments with regard to it."—*Letter addressed to the Board of Inspectors.*

The Inspectors themselves write as follows :—

"Notwithstanding the numerous attempts to possess the people generally with a knowledge of the principles which govern the Eastern Penitentiary, many mistaken notions are yet afloat with regard to it, and much misapprehension yet exists. A wide currency has been given to gross misrepresentations through the agency of some fanatics upon prison discipline, whose motives are questionable; and in very many instances there have been wilful and unwarrantable pervers-

sions of truth. We find it even difficult to shake off from the minds of some of our citizens, the idea that the penalties of the present mode are severe ; so closely does the notion of great personal suffering connect itself with that of lonely incarceration.

“ The penitentiary system is emphatically a mild and humane system. Let us look for a moment at the condition of the majority of those who become subject to its regulations. We find them leading a hurried and thoughtless life of hourly excitement, and shuddering at the possibility of a pause which could let in (to them, the demon) reflection. We see them wanting the ordinary comforts of clothing and cleanliness, without a home save that of chance companionship. We find them in the brothel and the gin shop, giving up to all manner of excesses, indulging in every extreme of vice, brutal and self-degraded. We see them corrupted and corrupting, initiating new candidates in the race of misery, and dragging them into their own vortex to a death of infamy and horror. Where do we place them, and how do we treat them ? They are taken to the bath and cleansed of outward pollution, they are new clad in warm and comfortable garments, they are placed in an apartment infinitely superior to what they have been accustomed to ; they have employment given them, to enable them to live by their own industry ; they are addressed in the language of kindness, interest is shown in their present and future welfare ; they are advised and urged to think of their former course, and to avoid it ; they gently lifted from their state of humiliation, and self-esteem is substituted for a sense of self-degradation. Pride of character and manliness are inculcated ; and they go out of prison unknown as convicts, determined to wrestle for a living in the path of honesty and virtue. Is not this humane ? The object of all prison establishments should be to reclaim. The separation of convicts affords facilities (which would be impossible under other circumstances) to treat each individual case in the manner best adapted to that result.— *Inspectors' Third Report*, p. 62.

Captain Marryatt, in his diary, as the result of observation, says—"Neither do I consider the present system, as practised at the Sing Sing, the state prison of New York, as tending to *reform* the offenders : it punishes them severely, but that is all. Where corporal punishment is resorted to, there always will be feelings of vindictiveness ; and all the bad passions must be allowed to repose before the better can gain the assendant. The best system is that acted upon in the Penitentiary at Philadelphia, where there is solitary confinement, but with labour and exercise."

Having conversed with several of the inmates of this penitentiary, he states, concerning one, that "He was a very intelligent, but not educated man : imprisoned three years for stealing. He had only been a few months in the Penitentiary, but had been confined for ten years in Sing Sing prison for picking pockets. I asked him his opinion as to the difference of treatment in the two establishments. He replied, "In Sing Sing the punishment is corporal—here it is more mental. In Sing Sing there was little chance of a person's reformation, as the treatment was harsh and brutal, and the feelings of the prisoners were those of indignation and resentment. Their whole time was occupied in trying how they could deceive their keepers, and communicate with each other by every variety of stratagem. Here a man was left to his own reflections, and at the same time he was treated like a man. Here he was his own tormentor ; at Sing Sing he was tormented by others. A man was sent to Sing Sing for doing wrong to others ; when there, he was quite as much wronged himself. Two wrongs never made a right. Again, at Sing Sing they all worked in company, and knew each other ; when they met again, after they was discharged, they

enticed one another to do wrong again. He was convinced that no man left Sing Sing a better man than he went in. Here he felt very often that he could become better—perhaps he might. At all events his mind was calm, and he had no feelings of resentment for his treatment. He had now leisure and quiet for self-examination, if he chose to avail himself of it. At Sing Sing there was great injustice and no redress. The infirm man was put to equal labour with the robust, and punished if he did not perform as much. The flogging was very severe at Sing Sing.”—*Diary in America, Vol. ii. p.p.* 264, 269.

It may not be uninteresting if, before we proceed to describe the purpose and plan of the separate imprisonment which is pursued in Reading Gaol, we briefly trace the origin and progress of this corrective system. Prejudices have been excited and strengthened in the minds of some from the mistaken idea, that it originated with certain sectaries in the United States; an honour which certainly cannot be assigned to them. It appears from official records, that so early as 1779, a gaol was completed at Horsham, after a plan of the Duke of Richmond, in which a separate cell was provided for each felon. This prison is described by Howard, about ten years after, as “clean healthy, and well regulated.” The following anecdote, extracted from Holliday’s Life of Lord Mansfield, affords striking evidence of the early advantages derived from this introduction of the system:—

“To manifest his opinion of the salutary effects of the new gaols in Sussex, Gloucester, Oxford, Stafford, and other counties, whose useful reform has been promoted by solitary

confinement, he was accustomed to relate the following anecdote, or little dialogue between himself and the governor of Horsham new gaol, in Sussex.

“ Lord Mansfield—‘ A few hours only have flitted or passed away, since, in the discharge of my duty as a judge, I delivered your new gaol. I was very much pleased at the sight of a calendar, where the number of prisoners which formerly have fallen to my lot to try for offences at Horsham, was reduced more than one-half. I am now very much astonished to find that the few prisoners I have tried at this period would not occupy one-fourth part of the new gaol. How can your Lord-Lieutenant satisfy the county of Sussex that there has not been prodigality and waste of the county money, in raising so large and stately an edifice, three-fourths of which appear to be untenanted ?’ The answer was,—‘ My Lord, I must leave his Grace of Richmond to answer for himself: I have very little doubt of our Lord-Lieutenant acquitting himself of your Lordship’s heavy charge of prodigality. This, my Lord, I can truly say, that I was twelve years keeper of the old gaol, and have been near twelve years keeper of the present county prison. I can say further, that the new gaol was built upon a plan to contain the average number of criminals and debtors which the old gaol was accustomed to hold in durance vile. But, my Lord, although in days of yore my visitors were very troublesome, and very frequent in their visits to me,—discharged at one assizes, and in prison again within the old walls, long before the next ; yet such, my Lord, is the effect of our solitary confinement, and of making a rogue think a little, *and become acquainted with himself*, that in the course of the last twelve years, I can solemnly declare before your Lordship, that only one prisoner has been twice within these walls.’

“ ‘ Good God !’ replied the noble Earl, ‘ this language of experience is very forcible, and the fact ought to be more generally known.’ ”

THIS DISTRAINT.

At the time of the reconstruction of the gaol a Bill was introduced in Parliament, which was afterwards carried, and now called separate confinement. It directed that sundry cells should be provided. The intention of this Act was thus—“Whereas a many offenders convicted of crimes, and many others who have been usually confined in the gaols, are habitually and incessantly accompanied by the most pernicious and religious instruction, it is enacted, that in every prison, not only of the first class, but of the second class, the like instruction shall be given to the individuals themselves, and that the same shall be given to the females.”

At the time of the Rev. Sir Samuel Romilly, in 1794, when this Bill was introduced by some of the friends of the country who had devoted themselves to the cause of this important object, the names of Mr. Fox, Mr. Howard, and Mr. Pitt were prominent in the ranks. The great objects which these gentlemen themselves were to reform were, first, to give them out of their former associations, and secondly, to give them hopes might be given to those who were desperate—to teach them to read—to accustom them to habits of industry—and to give them religious instruction.”

It is to be observed, in connection with this proposed system of separate confinement, the following terms—“Its cardinal principle is to restore to society the unhappy individuals who have brought him to premature prison.” This great end is to be obtained while

confined in the Penitentiary House—religious instruction and moral precepts are to be applied to restore his mind to a sense of shame and repentance for his past conduct. * * * * During his continuance in this asylum, he is kept apart from the contamination of a society worse than himself.”

Howard proposed a code of regulations for the government of these penitentiaries, and under the head of “lodging” the very first rule was, “A SEPARATE CELL FOR EACH PRISONER.”*

Subsequently in 1781, another act was passed, the preamble of which recites,—“Justices in settling and adjusting plans of new buildings, are hereby required to provide separate apartments for all persons committed upon charges of felony, and convicted of any theft or larceny, and committed to the house of correction for punishment by hard labour, under or by virtue of the laws in being, in order to prevent any communication between them and the other prisoners.”—22 *Geo. III. c. 54.*

The prison constructed at Reading, in 1785, was in partial accordance with these acts. The following is the description of it given by Howard, in 1789:—“The bridewell for the county of Berks, at Reading, was a new prison, consisting of six close cells for the refractory, eight solitary cells, and six wards for prisoners, permitted to be together. Some of those confined alone, were sentenced for a year, a severe confinement,” observes their compassionate visitor,

* Howard’s 2nd book on Prisons, p. 227, 4to Ed.

‘to be so long a winter, unemployed, in seasons cold, and without fire in winter.’ But as very erroneous impressions are still abroad of Mr. Howard’s sentiments upon this subject, it is but justice to his memory, that he should be permitted to state for himself his views of the uses and abuses of a species of prison discipline, in which, *when confined within its proper limits, he was a warm advocate*, as he does in the following note upon this passage:—
 ‘I wish all prisoners to have separate rooms; for wants of cleanliness and reflection are necessary. The gentlemen of this country, by their building this house of correction, and in various other instances, have shown themselves so attentive and zealous in whatever may tend to the real interests of their fellow-creatures, that I am glad to take this occasion of making some remarks on solitary confinement:’ the

* I received a note a short time since from an aged gentleman who accompanied Howard on this occasion, and in talking through our prison with him he repeatedly gave utterance to expressions of joy and gratitude that he had lived to see the wishes of his friend so fully realized. It is an interesting fact, that in the very spot which gave occasion to Howard to express his desire for separate imprisonment, and to explain his sentiments on the subject, almost the first prison was built in the plan he wished to see adopted. And it is truly a cause of gratitude and of congratulation, that the same thoughtfulness and philanthropy which distinguished the magistrates of Bordeaux in the days of Howard, and aided forth his communication, has descended to their successors, and shown itself in a manner which commands praise, and in which their posterity may be proud.

intention of this, I mean by day as well as by night, is either to reclaim the most atrocious and daring criminals ; to punish the refractory for crimes committed in prison ; or to make a strong impression, in a short time, upon thoughtless and irregular young persons, as faulty apprentices, and the like. It should therefore be considered by those who are ready to commit, for a long term, petty offenders to *absolute solitude*, that such a state is more than human nature can bear, without the hazard of distraction or despair ; that it is repugnant to the Act which orders all persons in houses of correction to work ; and that for want of some employment in the day (as in several houses of correction), health is injured, and a habit of idleness or inability to labour in future, is in danger of being acquired.* The beneficial effects on the mind, of such a punishment, are speedy, proceeding from the horror of a vicious person left entirely to his own reflections. This may wear off by long continuance, and a sullen insensibility may succeed.† The county gaol here was clean and quiet : Lord Craven

* It must be observed that these cautions of Howard apply to imprisonment in "*absolute solitude*," a punishment, as will be explained, very different to that of the *separation of criminals* in confinement.

† Reference to a note on this subject in the 2nd vol., in which I refer to short imprisonments, will convince that, under corrective discipline, Howard was no advocate for very short terms.

and other of the magistrates visiting both it and the bridewell, and entering their reports every month. The gaoler informed his visitor, upon the 12th of July, 1788, that of the eleven convicts whom he carried on the 1st of April in the preceding year, to the Hulks at Portsmouth, three only were alive. "I have observed," remarks Mr. Howard on this circumstance, "that convicts from the country often pine away and die without any apparent sign of illness; and that of equal numbers from the country and from Newgate, three or four of the former die for one of the latter."

From the facts which have been mentioned, it has been affirmed that "the separate system is British; British in its origin; British in its actual application; British in its legislative sanction." Whilst I would rejoice in the truth of the assertions, I think we must not too positively claim the honourable distinction of having first adopted the separate system, since I find that Mr. Howard writes as follows concerning the prisons of Switzerland which he visited in 1776:—"In those of the cantons to which I went, *felons have each a room to themselves, 'that they may not,'* said the keepers, *'tutor one another.'*"*

The documents of the Christian Knowledge Society, to which I have referred, do indeed go further than any evidence before adduced to support the above assumption as to the "British" origin of the separate system. What effect the following

* Foreign Prisons—Sect. iv.

recommendation produced ; whether separate cells were then provided for the condemned criminals, and for them alone, or whether the reasonable inference was drawn, that if separation was calculated to excite repentance in the condemned, it was also likely to change the character of those to be again released, and therefore should be adopted to some further extent*—these are questions we cannot decide. Yet it was with some satisfaction I made the following extract, shewing that separate confinement, for one class at least, was proposed in England long before previous writers on the subject have supposed :—“ On the 23rd of November, 1710, it was reported from the committee that they had agreed to lay before the society the following proposals for recommending a bill to be brought into Parliament for providing *separate apartments* for condemned criminals, viz. :—‘ Whereas, in the prisons for condemned criminals throughout this kingdom there are common, though separate apartments for men and women, and that among the said prisoners there are divers that have a sense of their impiety and wickedness, and would gladly spend their time in reading, meditation, and prayer, and preparing themselves, as far as they are able, for

* The observations and arguments of Butler written a few years later may to some extent warrant this supposition. Separate imprisonment may have been partially adopted for a time and discontinued, as we shall see was subsequently the case notwithstanding its evident advantages.

punishments, which are intended to reform, as it does capital ones. * * Since it must be acknowledged of greater consequence, in a religious as well as civil respect, how persons live, than how they die, it cannot but be even more incumbent on us to endeavour, in all ways, to reclaim those offenders who are to return again into the world, than those who are to be removed out of it; and the only effectual means of reclaiming them, is to instil into them a principle of religion."

Again, about forty years seem to have elapsed before any distinguished writer reverted to this most important question. Then, Archdeacon Paley, in his "Moral and Political Philosophy," spoke in plain terms of approval of separate imprisonment, and was gifted with some foresight of its happy effects. He wrote as follows:—"The end of punishment is twofold;—*amendment* and *example*. In the first of these, the *reformation* of criminals, little has ever been effected, and little, I fear, is practicable. From every species of punishment that has hitherto been devised, from imprisonment and exile, from pain and infamy, malefactors return more hardened in their crimes, and more instructed. * * * Of the *reforming* punishments which have not yet been tried, none promises so much success as that of *solitary* imprisonment, or the confinement of criminals in *separate apartments*. This improvement augments the terror of the punishment; secludes the criminal from the society of his

fellow-prisoners, in which society the worse are sure to corrupt the better;—weans him from the knowledge of his companions, and from the love of the turbulent, peccacious life, in which his vices had engaged him; is calculated to raise up in him reflections on the folly of his choice, and to dispose his mind to such bitter and continued penitence, as may produce a lasting alteration in the principles of his conduct.”*

Shortly after the passing of the Act in 1781 (22d Geo. III.), a prison with separate cells was erected at Petworth, one regulation in the government of which provided, “That the keeper and turnkey take special care that the prisoners are kept *separate* night and day, and that they perform such work as may be allotted to them, *in their respective cells*; and that they upon no pretence whatever permit them to have *any communication* one with another; that every prisoner in health attends Divine Service, and is put into an airing yard, for at least the space of one hour every day; and that no two prisoners be *aired together*, unless the numbers should make it absolutely necessary.”

About the same time as the erection of the prison at Petworth, a County Penitentiary was built at Gloucester on the same plan, to the success attending which, I have given the testimony of Sir G. O. Paul.† But after a few years the increased number

* Moral Philosophy, chap. ix.

† See Report, Mich., 1845.

of prisoners, and the consequent want of room in these buildings, caused the discontinuance of the system; and subsequently evidence was given to the following effect:—When the system was broken in upon, and suspended by the influx of numbers, for whom it was impossible to provide separate apartments, order was succeeded by insubordination; labour, instead of being voluntary, became distasteful and constrained, and religious instruction, with all its desirable consequences, was either neglected, or became inefficacious.”

Thus early was the separate system adopted in England, and Britain, though for a time, as we shall observe, inconstant in pursuing it, yet may certainly assert the best claim to its discovery as a corrective punishment. Writers of other nations have urged their pretensions to the honour,* but we may well

* M. M. de Beaumont and de Toqueville, referring to the Code of 1791, say that it contained the *germ* (le germe) of this Penitentiary System. “L’art. 16 de la loi du 6 Octobre, 1791, porte: Toute condamné à la gêne sera enfermé seul dans un lieu éclairé, sans fers ni liens: il ne pourra avoir, pendant la durée de sa peine, aucune communications avec les autres condamnés, ou avec les personnes du dehors.’ Voilà bien la théorie de l’emprisonnement solitaire; c’est le système de Cherry-Hill (Philadelphie.)”—*Syst. Penit. Deux. Par. chap. ii.*

The reader having perhaps decided upon the rightful claimant to the honour, may be amused at the bolder tone of our American brethren. Wisely contending for improvement in the prisons of New York, the Prison Association of

esteem it of too much worth to be conceded, unless their claim can be established. It is remarkable, however, that in various countries men's perceptions upon this important subject seem to have been about the same time in a measure enlightened. It was the general dawn of prison reformation, and though subsequently, for a few years, obscured by the clouds of ignorance, avarice, and prejudice, we shall see that they have gradually been dispersed, that light on the subject has been diffused, however slowly, yet with happy effects, until a prospect now opens before us of this universal improvement in the management of our prisons.

Reverting to the progress of this system, we observe, that in 1821 the Milbank Penitentiary was completed for 1200 convicts. But here the plan of separation was very imperfectly carried out during the first ten years. Subsequently, however, on the remonstrance of the Governor and Chaplain, improved regulations were adopted, and the corrective effects were in proportion. At Glasgow likewise a

that city in their Report for 1845, page 89, say—"Let us instead of the silent or solitary system establish a great *American* system, embracing the distinctive merits of both, and avoiding their defects. An approximation to something of this kind seems to be now making at the Pentonville prison, near London; and if we are not diligent in perfecting our system at home, we shall find it perfected for us abroad. Thus we may become indebted to a foreign people for *the model of our own system.*"

large bridewell was constructed a few years later with a view to the entire separation of criminals, and much good has resulted, although more might doubtless have been derived had the provision for moral and religious instruction been more adequate.

The Legislature, having now become increasingly alive to the general defective construction of our prisons, and of the almost universal demoralization which prevailed in them, a commission was appointed in 1832 to visit the Penitentiaries of the United States, in which, as we have seen, great improvements, both as respects the construction and management of prisons, had been effected, and in 1834 a most interesting report was addressed to the Secretary of State by W. Crawford, Esq., who was subsequently one of the Inspectors of Prisons for the home district. This, with the evidence adduced before the Select Parliamentary Committee, led to the correction of many abuses, and to great improvement in the government of prisons generally. To attain these ends the appointment of inspectors was a most effectual means, and one of their first and most important recommendations was, that a model prison should be erected, in which the system of separate confinement might be perfectly carried out; accordingly an Act was passed (4 and 5 Vic., c. 2, s. 29) "for the establishment of the separate system of prison discipline with all its essential requisites and safeguards, and for the building of a prison at Pentonville for exhibiting that system in full opera-

tion." Commissioners were appointed, and in a letter addressed to them by the Secretary of State for the Home Department, the class of criminals to be received into that establishment is thus defined :

" I propose that no prisoner shall be admitted into Pentonville without the knowledge that it is the portal to the penal colony ; and without the certainty that he bids adieu to his connections in England, and that he must look forward to a life of labour in another hemisphere.

" But from the day of his entrance into the prison, while I extinguish the hope of return to his family and friends, I would open to him fully and distinctly the fate which awaits him, and the degree of influence which his own conduct will infallibly have over his future fortunes. He should be made to feel that from that day he enters on a new career. The classification of the convicts in the colony, as set forth in Lord Stanley's Despatch, should be made intelligible to him. He should be told that his imprisonment is a period of probation ; that it will not be prolonged above eighteen months ; that an opportunity of learning those arts which will enable him to earn his bread, will be afforded under the best instructors ; that moral and religious knowledge will be imparted to him as a guide for his future life ; that at the end of eighteen months, when a just estimate can be formed of the effect produced by the discipline on his character, he will be sent to Van Dieman's Land, there, if he behave well, at once to receive a ticket of leave, which is equivalent to freedom, with a certainty of abundant maintenance, the fruit of industry ; if he behave indifferently, he will be transported to Van Dieman's Land, there to receive a probationary pass, which will secure to him a limited portion of his own earnings, and which will impose certain galling restraints on his personal liberty ; if he behave ill, and if the discipline of the

prison be ineffectual, he will be transported to Tasman's Peninsula, there to work in a probationary gang, without wages, deprived of liberty, an abject convict."*

The advantages already evident, and the very promising results of this more perfect system of separation and effective discipline, carried out in a building so completely adapted to its purpose, have already led to the erection or proposed reconstruction of prisons on a similar plan in the following places :—Reading, Aylesbury, Preston, Bath, Usk, Shrewsbury, Northampton, Wakefield, Kirkdale, Stafford, Winchester, Leeds, Manchester, Liverpool, Leicester, in Surrey, and other counties ; and when the foundation of a large prison now completed upon this benevolent plan was laid at Birmingham, a suitable address was delivered by the Recorder of that important town, an extract from which may suitably introduce an explanation of those peculiarities which distinguish the system of separate confinement.

“It was necessary, as a beginning in the work of reformation, to separate those who were thus brought together, so that each should not act for evil upon his neighbour. That prison would, therefore, be conducted upon what was called the separate system,

* In succeeding pages, it will be proper to quote portions of the Reports already published by the Commissioners of this Prison. The establishment will be observed to differ from other Gaols and Houses of Correction, in that it is a place of probation for convicts, yet the discipline pursued is generally applicable to others.

but the audience must not for one moment confound this with solitary confinement. It has pleased the Creator to implant in man that feeling of attachment to society, that to be withdrawn from his fellow-creatures was a punishment, compared to which the torture, the rack, or the stake, were vulgar and inefficient. In that prison he would be withdrawn only from society which injured him; he would be visited by officers chosen for their moral qualities, and by ministers of religion. He would thus be associated with all which could elevate him, and withdrawn from all that could degrade him."

The distinctive nature of this system has been so well described in works on prison discipline, and especially by the Inspectors of Prisons, that a clear explanation may be given by quoting their observations.

Sir T. Fowell Buxton, contrasting the associated plan then prevailing with the separate system, which he was anxious should be universally adopted, remarks that "The direct and inevitable tendency of the former is to produce misery and vice. It is also evident that the other system is merciful and wise. While it consults the health and suitable accommodation of the prisoner, it strikes at the roots of his criminality, his ignorance, idleness, and debauchery; while it corrects his habits, it subdues his temper. By friendly admonitions and religious instruction, it awakens a consciousness of his former depravity,

and of its present and eternal consequences : it shews to him the value of a fair and reputable character, and encourages him in its pursuit, by proving that it is attainable even by him : it makes reformation possible. Thus, by giving a sense of religion, habits of industry and temperance, its tendency is to prevent misery and vice."—*Prison Discipline*, p. 183.

A more recent author observes :—

" I have had many opportunities of observing the working of the two systems of prison discipline, which are now chiefly in vogue. I have watched the *silent* industry of crowded companies in some prisons, and in others, have repeatedly visited the solitary cells in which criminals were at work at their respective mechanical arts, and in which they received the visits of their religious instructors. I could have rejoiced in the order of some of the former prisons, had I not marked the depression which dwelt on the countenances of their inmates, and discovered that the grand secret of this order is the ever-present whip. Nor could I conceal from myself that notwithstanding the prevailing silence, connections might easily be formed among the criminals, which could not fail, on their quitting the prison, to endanger society, and enlarge the sphere of crime. * * * When we speak of the '*separate system*,' we mean the system which *isolates* criminals in confinement, from their *fellow prisoners*. This meaning ought always to be accompanied by the understanding, that these wretched beings are never to be consigned to hopeless solitude, but are to be nurtured, instructed, helped, and cherished, by those who will set them a good example, and lead them, by the gentle hand of kindness, into the paths of sobriety, honesty, and peace."—*Gurney—Thoughts on Habit and Discipline*, p. 88.

And the King of Sweden, in his work previously

quoted, writes—"The Auburn, that is, the silent system, certainly accustoms the criminal to an instantaneous obedience, a punctual performance of the work appointed, and to the observance of the prescribed discipline ; but that his seeming improvement rests only on the fear of punishment, wherefore there is a danger of his relapsing into his former guilty way of life, so soon as he feels himself free from the keeper's lash. That the Philadelphian solitude acts more immediately on the mind, or on the origin itself of good or evil, and that the liberated prisoner takes with him the fruit of a useful self-examination, and of that inward warning voice, to whose correcting severity he has been left."—*Punishments and Prisons*, p. 57.

The Inspectors of Prisons for this district, describe yet more satisfactorily the nature and design of separate imprisonment, I embody some of their remarks as descriptive of the plan which is pursued in the prison at Reading:—First with particular reference to the untried.

We do not hesitate to declare our firm persuasion that there is no alternative between Separation and Contamination ; and that, with certain modifications, which greatly tend to divest the separation of a penal character, this description of prison discipline is admirably adapted to the treatment of prisoners before trial.

The application of the Separate System to the Untried has been opposed on the ground of its pre-

sumed severity. It is alleged that the unconvicted are thus placed in solitary confinement, and that but little distinction is observed in the treatment of the innocent and guilty. We beg, in reply, to remark that nothing can be more unfair than to confound the plan of individual separation, with the modifications which we recommend, with the vague and confused ideas which are generally conveyed by the terms, 'solitary confinement.' To remove, at once, this misconception, it is only necessary that we should explain the nature of the imprisonment which is enforced, in the case of the Untried, at those gaols in which the Separate System is in operation. The prisoner is placed in an apartment, at least 10 feet square, and 10 feet high ; sufficiently large to enable him to take exercise. This apartment is well lighted, ventilated, and warmed : water is laid on ; and, in the fitting up, every arrangement is adopted essential to the prisoner's health. To this apartment the prisoner is strictly confined by day and by night ; nor is he allowed to leave it at any time, except for the purpose of attending divine worship in chapel. This seclusion, however, is broken by daily and stated visits of the governor, chaplain, surgeon, and other prison officers. The prisoner enjoys the privilege of seeing his friends ; he has every facility for consulting with his legal adviser ; he may send and receive letters ; he is permitted to have unobjectionable books ; he may receive suitable articles of food ; and he has the option of any em-

ployment that can be conveniently furnished to him ; he is exempted from all discipline that is calculated to create irritation ; he is tempted to commit no violation of prison rules, and he is thus spared the infliction of prison punishments ; he is exposed to no quarrels ; he is protected from those ruffianly assaults (committed in every other kind of prison) which arise from the tyranny of the strong over the weak ; his mind cannot be tainted and demoralized by the relations of the burglar, nor his ears assailed by the language of the blasphemous and obscene. And in what respect can this treatment be considered as an aggravation of the suffering necessarily attendant on his confinement. Whatever tendency this seclusion may have to render imprisonment irksome, is materially diminished by the visits of officers, by communications with friends, and by manual occupation, if the prisoner desire it. Under such circumstances, a prisoner, who is inclined industriously to employ himself, will feel less discomfort than under any plan of association and idleness.

The condition of an untried prisoner, under this, or, indeed, any system of confinement, is, no doubt, one of considerable privation, and, in many instances, one of actual suffering ; but it must always be borne in mind that, in estimating the character of the System of Separation, a comparison is to be instituted, not between a state of imprisonment and that of liberty, but between one mode of confine-

ment and another ; and the application of the Separate System to the Untried is to be regarded as harsh or humane, according as the hardships which it inflicts are greater or less than those imposed by the discipline of the Silent System, or by the unrestrained association which prevails in those places where neither the separate nor the Silent System is in operation.

If the system of unrestrained association, which usually prevails in the case of untried prisoners, be adopted, the suffering is great to any man not lost to every sense of shame or decency. Not only are his ears assailed by the most revolting language, and his feelings outraged by scenes of the most degraded profligacy, but, unless prepared to endure the raillery, insults, and not unfrequently the violence, of his companions, he is compelled to participate in vices from which his nature recoils, and which, on his entrance, he must contemplate with horror. In fact, he is reduced to the alternative of being an accomplice or a victim.

To make a practical comparison of the systems, we would put it to the calm judgments of those who object to separation on the ground of its severity, whether, in their own case, or in the case of those in whose welfare they are most interested, (should they, by any misfortune, be accused of a crime for which they were required to await a trial,) they would not infinitely prefer a System of Separation, mitigated and modified as it is in the case of un-

three men whose sentence of imprisonment was eighteen months ; and, on inquiry why they had not been removed, I found that they were prisoners of promising character, who had so earnestly begged that they might remain under separate confinement, instead of being placed amongst vicious companions, that their desire had been granted."

The writer of the article on Prison Discipline, in the *Encyclopædia Americana*, had been himself subjected to the punishment of separate imprisonment. His observations, therefore, on this question are of much value ; they are the testimony of experience. He writes—"We have asked many prisoners in permanent solitary confinement whether they would like to be placed with others ; and they have almost invariably answered that they considered it as the greatest privilege to be alone in the prison. It ought not to be supposed that solitude bears so hard upon the mind of the prisoner, that he would exchange it for any other situation which would bring him into contact with other human beings. When the writer, after an imprisonment of eight months, was offered the company of another prisoner in his cell, confined also on political grounds, he refused the offer, though it was repeated at several different times. If the prisoner has made any step towards reformation he always will wish to remain alone."

The foregoing remarks are justified by the following extract from the Report of the Select Com-

mittee of the House of Commons on Secondary Punishments, which was presented in 1832. Complaining of the Gaol Act, 4 Geo. IV., it is said—

“In the case of untried, it must associate the most hardened offenders with those who may be guiltless of crime, and that even an innocent man sent for trial can hardly escape contamination. Your committee are of opinion that none but a moral classification can be effectual, but they fear that the difficulties which stand in the way of such a classification, whether as regarding prisoners before or after trial, are nearly insurmountable. If such be the difficulty of establishing an effective system of classification, your committee see no alternative but that of the separation of prisoners, both before and after trial. * * * They are aware that a proposal to inflict on prisoners before trial any restraint beyond what may be necessary for their safe custody, is likely to shock the opinions of many who may be disposed to consider it in the light of punishment inflicted without proof of delinquency; but your committee are of opinion that such a separation of prisoners should be regarded rather as a boon than a punishment. Not only will the evils already detailed be avoided, but even with reference to the comfort of the prisoners it may, in most cases, be considered an improvement, since to those not hardened in crime the association with the reckless malefactor, and the horrors of such companionship, must prove an infliction ten-fold more severe than the partial seclusion to which it is proposed to subject them. All the witnesses examined on this subject agree in this opinion.”

M. Ducpetiaux, the zealous Inspector of Prisons in Belgium, observed at the Frankfort Congress—
“In Belgium as at Geneva, the first thing generally asked by the newly arrived prisoner, who *has still*

some feelings of honesty, is to beg as a favour that he may be separated from criminal companions. It is the only means, say they, of correcting us."

The following testimony was also given by M. L'Abbé Laroque :—"For a long time we have partaken of the fears of a great number of men opposed to the cellular system. Of ourselves we should not have dared to maintain such an opinion ; it is the prisoners themselves who have taken care to show us the inevitable necessity for it ; the half at least of the prisoners ask the favour,—the benefit (these are the words they use) of a cell. At the Bagne de Rochfort they have gone further ; and for want of cells, they have asked for separation in a dungeon.*

* See Observations of a Convict, vol. ii.

Whilst this sheet has been in the hands of the compositor, an interesting debate in the House of Commons on the subject of which it treats has most forcibly shewn the necessity and the duty of endeavouring to impart the information it contains. Last night, (Feb. 10, 1848,) Lord Nugent "moved for leave to bring in a bill to repeal so much of the Act of 2nd and 3rd Victoria as gave power to inflict separate imprisonment upon persons committed for trial, a power which appeared to be inconsistent with every principle of general justice, and with the whole spirit of our criminal code." His Lordship, in a long speech, with much force and humane feeling, endeavoured to prove the supposed inconsistency. But the reply of Sir G. Grey (as Secretary of State for the Home Department) was so satisfactory and successful, that the hon. member (Dr. Bowring) who seconded the motion, at its conclusion rose and said—"He had been much struck by the statement made by that right hon. gentleman.

It has often been suggested that since separation is thus preferred by many, the liberty of choosing might be allowed to the unconvicted prisoner. The voluntary seclusion, it is said, would mitigate the apparent severity, and take away that semblance of injustice which attends his compulsory and painful separation. The humane but mistaken advocates of such a measure, whilst led by the legal presumption of a prisoner's innocence until convicted, overlook facts which ought in this question to be most carefully considered. The great majority of prisoners for trial are guilty. The verdict which alters their condition has not changed their character. They were criminals before, and if associated must have still more corrupted each other. But whilst few would contend for such intercourse, it is too commonly forgotten that the law must contemplate *all* as innocent before proved otherwise, and that its provision for the accused must be in every case the same. It cannot in this matter recognize circumstances or respect persons. It cannot favour one

whose argument had changed his *previous convictions* on the subject, and therefore upon the whole he recommended his noble friend not to press his motion."

Lord Nugent, "after hearing the general tone of the speech, and observing the general feeling of the House," asked leave to withdraw the motion.

[Although, as stated by his lordship, the writer of this work "differs entirely from him on the question," he desires gratefully to acknowledge the kind and complimentary manner in which reference was made to him.]

culprit with a cell because he preferred to be alone, and force the occupation of a cell upon another because he is unfit to be in society, when at the same time it avowedly looks upon both as alike faultless.

The legal presumption, but really moral fiction, that every man is innocent until convicted, as affording the inference that such ought not to be subjected to reformatory discipline, was ably refuted in the speech to which reference has been made in the foregoing page 138. In that speech Sir Geo. Grey observed—

“The fallacy which his noble friend laboured under was this,—he conceived that this system, as applied to untried prisoners, was applied as a penal system. But it was not applied to them as a penal system, but as a most beneficial and highly protective system. His noble friend thought that the power vested in the visiting magistrates, to subject untried prisoners to this system, was a most unjust and monstrous power, and his noble friend had defended that proposition upon the maxim that a person committed to prison was, in the eye of the law, held to be innocent until he was convicted. Now, he (Sir G. Grey) was quite ready to admit the truth of that maxim; and there was an essential difference always made between the treatment of prisoners who had been convicted and those who had not, and who were awaiting their trial. But surely his noble friend did not mean to say, because persons who were detained on a charge of having committed an offence were, previously to their trial, held in the eye of the law to be innocent, that, therefore, they were to be treated in all respects as innocent persons? When a man was charged with having committed murder was he not arrested, was he not torn from his family, and subjected

to a deprivation of his liberty, and required to conform to the rules of the prison to which he was committed? All these proceedings were perfectly consistent with the old system, when prisoners tried and untried were indiscriminately mixed together, without any classification whatever; a system fraught with so many evils that the Legislature had discarded it altogether. The act which his noble friend would in part repeal, was the result of an inquiry into the abuses of the old system; and that act substituted a system of classification which had been approved of by men of all countries. His noble friend had said, that they had no right to apply a reformatory system to untried prisoners. He must say, that that was the most extraordinary doctrine he had ever heard upon this subject. Persons charged with the commission of crimes were necessarily detained in prison, and his noble friend maintained that, while so detained, no regard whatever should be paid to their moral state or condition, and that they stood in no need of moral discipline. His noble friend must have overlooked altogether from what class of persons convicted prisoners came. Did not the convicted prisoner of to-day belong to the class of untried prisoners of yesterday? If the convicted prisoner required discipline, did not the unconvicted prisoner also? Could the unconvicted of yesterday, but the convicted of to-day, have been so absolutely free from all habits of vice and corruption as not to require to be placed under any reformatory process? The whole object of subjecting untried prisoners to separate imprisonment was for their own good, and to protect them from that contamination which must arise from a want of such separation; in fact, it was an arrangement which must be applied, if any system of classification were adopted.

The supposed hardship of subjecting an untried person to imprisonment of a penal or reformatory nature, has been the most plausible objection which

opponents have urged against the separate system. It has been represented as unjust, and as opposed to the spirit of British law. We may contend on the other hand, that it is in strict accordance with sound principles of justice and jurisprudence. Let us suppose the case of an innocent person (for it is in consideration for such that the objection is urged). He has been falsely accused. There are grounds of suspicion, and he must be imprisoned. Abstract justice is indeed hereby violated. The very detention of such an one until his guilt or innocence be decided is a violation of justice. But it is an injury consequent to our imperfection. The law of fallible men is like themselves, imperfect, and liable to inflict injury, and this it has done in the case of every acquitted prisoner. The real question, then, as respects imprisonment is, by what system is this injury least *aggravated*? We have seen that separation, notwithstanding its painful character, is preferred by the innocent and the penitent. These are the only deserving classes, and to sacrifice them for the sake of hardened criminals would, indeed, be an act of injustice, and a gross increase of wrong which none could defend. And here let us observe, what would be the necessary consequence of allowing the unconvicted that choice to which we have referred. The innocent choose to be alone. The inference, therefore, is plain, that in permitting others to associate we could only provide for the intercourse of *criminals*, and thereby ensure their further demoral-

zation. Truly this is unjust, both to the individuals and to society, which must also suffer. But let us suppose the case to be otherwise, and that some weak-minded culprit should be wrongfully committed, and should choose to be in company during his detention for trial—I say *weak-minded*, because we have full warrant for asserting, that a wise and good man will be better “satisfied from himself,”—such choice, then, must result either from weakness or wickedness. We suppose the former; then, surely the State should, in compassion, decide for one *incompetent*. That weakness of judgment, perhaps only temporary, and probably occasioned by grief arising from false accusation, might cause an innocent man to make a choice for which he would ever afterwards reproach himself. But how soon amidst vicious companions would that man be corrupted, and how certainly in such case would the State be accessory to an injury, compared to which the utmost punishment of even solitary confinement would be compassionate and just. In the one case it could but be cruel, and kill the body; in the other it would corrupt, and, as much as possible, prepare both soul and body for Hell.

Some, alarmed at the contamination of promiscuous intercourse, would place all who had been *previously convicted* in separate confinement. But without insisting upon that appeal to the jury which is properly required before the identity of the convict is decided, in how many cases in

which the accused has been repeatedly in prison, such a fact cannot be even suspected when the culprit is committed, and if discovered at all, probably not until, if such a plan were pursued, much evil communication had taken place, and the innocent had been thus corrupted. On the other hand, I could describe instances in which even criminals of this class have derived much profit from their cellular imprisonment before trial. I copy from my journal a case of recent occurrence.

A man of very respectable appearance called upon me to-day (July 25th, 1847), whom I did not recognise until he told me that his name was ———. He was in prison about twelve months since, on a charge of horse-stealing; but after two months' detention he was discharged, "No Bill" having been found against him. With much feeling he said, "I am come to thank you for the instruction I received; it was the best thing that ever happened to me, my being sent to prison, for I knew very little before of what was right, and was going on very badly, and that stopped me." This culprit had been, before his committal, a man of most dissolute habits. Although he had received a better secular education than most, yet he could not repeat the Lord's Prayer, and knew very little of any religious truths. Thus separate imprisonment before trial not only preserved from further demoralization, but prevented the return of the accused to a course of life which must have led to speedy conviction.

So often is the system we advocate confounded with *solitary* imprisonment, that it is important to explain the distinction as clearly as possible.

Separate confinement differs from solitary confinement both in its *nature* and in its *design*. Solitary confinement is universally and correctly understood to be a condition of as unmitigated, uninterrupted seclusion from human society as is practicable : often in dark or gloomy cells of small dimensions, ill-ventilated, often damp, and destitute of those accommodations necessary for the prisoner's convenience ; his diet being generally restricted to mere bread and water. Separate confinement, as we have said, is totally different in its *nature* from this. It differs from it in the following particulars :—In providing the prisoner with a large, well-lighted, and well-ventilated apartment, instead of immuring him in a confined, ill-ventilated, and dark cell ; —in providing the prisoner with every thing that is *necessary* for his cleanliness, health, and comfort during the day, and for his repose at night, instead of denying him those advantages : in supplying him with sufficient food of wholesome quality, instead of confining him to bread and water :—in alleviating his mental discomfort by giving him employment :—by the regular visits of the officers of the prison, of the Governor, Surgeon, Turnkeys, or Trades' Instructors, and particularly of the Chaplain, instead of consigning him to the torpor and other bad con-

sequences of idleness, and the misery of unmitigated remorse, resentment, or revenge :—in separating him from none of the inmates of the prison, except his fellow-prisoners, instead of cutting him off, as far as may be, from the sight and solace of human society :—in allowing him the privilege of attending both chapel and school, for the purpose of public worship, and education in class, (securing on those occasions his complete separation from the sight of his fellows) instead of excluding him from Divine service and instruction :—in providing him with the means of taking exercise in the open air, whenever it is proper and necessary, instead of confining him to the unbroken seclusion of his cell. Separate confinement also differs from solitary confinement in its *object*. The object of separate confinement is the permanent moral benefit of the prisoner—an object which he can plainly see that the system has in view. The object of solitary confinement is solely to punish the prisoner, principally for violating the prison regulations, and that too by means always harsh and severe, and often vexatious and exasperating; and this not to effect a lasting moral benefit for himself, but to uphold the prison discipline at the price of severe bodily and mental suffering. Under the separate system an appeal is made to the moral sense and understanding of the prisoner; he is treated as a man, and with the respect and benevolence due to humanity, even in its lowest debasement. Under solitary confinement, on the

other hand, the offender is treated as a being divested of the common rights, capacities, and feelings of human nature. It is upon his corporeal frame that the punishment is designed to act; no attempt, or but little, is made to appeal to his reason and conscience. This treatment tends to harden, provoke, and brutalize; whereas, the other is fitted and designed to induce reflection, kindliness, gratitude, and amendment. In short, separate confinement is the separation of each offender from all communication and association with his fellow-offenders, regard being had to his bodily health, his mental sanity, his intellectual improvement, and his moral amendment, by inculcating industrious habits, and by religious and moral instruction. Solitary confinement is the seclusion of the prisoner, as far as is practicable, from all human society, attended with privations both bodily and mental, which are intended merely to inflict punishment, to subdue obstinacy of temper, and to uphold authority by the operation of pain and fear: it employs harsh measures to effect a temporary purpose.

From these statements respecting the design of separate imprisonment, and the regulations under which it is established, which are adhered to as nearly as possible, it surely must appear to be not only a vast improvement on past times, but a plan of discipline most wise, humane, and just. Such a description might lead to the belief that it would be sanctioned and recommended by those whose wis-

dom, benevolence, and justice, have been most conspicuous ; and such has been the case to a remarkable extent. In the foregoing pages, or in those which follow, we give the advice and approval of Butler, Paley, Howard,* Wilberforce, Romilly, and others, besides many living Philanthropists, to whom posterity may refer with admiration similar to that with which we regard those venerable names. Of these, a large proportion have visited the County Gaol, at Reading, and have been almost unanimous in expressing their unqualified approbation at the system of separation most strictly, but with much kindness there enforced. One or two visitors, indeed, after a cursory glance, and very little examination, have expressed contrary feelings ; but opinions thus hastily formed, and which it is probable that more particular inspection and more careful enquiry would have corrected, can be entitled to little weight when opposed to the more deliberate judgment, which is the result of cautious observation and experience.

* As a further remarkable proof of Howard's approval of this system, we may observe that when, in 1788, a new prison was building at Manchester, the following was inscribed on the foundation stone :—

“ THAT THERE MAY REMAIN TO POSTERITY A MONUMENT OF THE AFFECTION AND GRATITUDE OF THIS COUNTY TO THAT MOST EXCELLENT PERSON, WHO HATH SO FULLY PROVED THE WISDOM AND HUMANITY OF THE SEPARATE AND SOLITARY CONFINEMENT OF OFFENDERS, THIS PRISON IS INSCRIBED WITH THE NAME OF JOHN HOWARD.”

I cannot close this chapter without expressing regret that we may not mention, amongst the decided advocates of Separate Imprisonment, one whose pious energy, and ever active benevolence, accomplished so much in the cause of prison reform. I allude to the late Mrs. Fry. The amiable character and holy exertions of that excellent woman, whilst they deserved all praise and ensured to her the love of every christian, imparted an influence to her opinions which they would not otherwise have possessed. But though the universal love she displayed, and which shone with such fervour upon the very lowest of our species, still enkindles and keeps alive a like feeling towards herself, yet the ardour of that affection must not dazzle our understanding, nor allow us to suppose that one, who, in the more important concerns of religion and church government, deliberately made choice of a creed so erroneous, and preferred a society of christians in which discipline is so grievously unscriptural and defective,* could be other than a fallible adviser on questions of criminal law and penal discipline. There is, however, so much that is instructive and valuable in her remarks that, in a subsequent part of this work,

* Let me not be supposed to speak uncharitably of the Society of Friends, to whose efforts as a body we owe very many of the earlier improvements in our gaols, and amongst whom a spirit of philanthropy has been so generally conspicuous. But whilst I admire their character, I cannot approve their creed.

I shall give copious extracts from her recently published memoir; and I think shew that, notwithstanding some objections, had Mrs. Fry witnessed the operations and effects of separate confinement as pursued at Reading, and in similar prisons, it would have been our pleasing duty to have enrolled her amongst the approving philanthropists we have named.

CHAPTER VII.

THE DAILY ROUTINE.—DUTIES OF OFFICERS.—PRISONERS' OCCUPATIONS, ETC.

It is hoped that sufficient has been said to remove any unfavourable impressions which prejudice might have created, and to prove that separate confinement is not a system of cruel severity, but rather of humane and most merciful correction. That it is imprisonment which, whilst it prevents offences by punishing criminals, promotes at the same time the advantage of the individual offender, and the welfare of society by improving his character.* If the effort of the writer has been thus far successful, increasing interest will have been excited concerning those, in some respects unhappy, but no longer to be pronounced hopeless culprits, who have been committed to a prison constructed in accordance with this principle, and are subjected to discipline suited to accomplish such a purpose. It is proposed then in this chapter to trace the criminal from his reception within the prison gates to his occupation of a cell, exclusively his own ; and to describe the subsequent employment in which his appointed time is spent.

* *Nemo prudens punit, quia peccatum est, sed ne peccetur. Res enim optima est, non sceleratos extirpare, sed scelera.—Seneca, de Moribus.*

On the prisoner being conducted to the inner gates of the gaol, his commitment having been examined by the officer in attendance, and the doors being closed, the constable is no longer responsible for the safe custody of his charge. Escape, either by violence or cunning, being next to impossible, handcuffs and irons are now removed; the person of the prisoner is searched, and all things taken from him which would be either useless or injurious to him whilst in confinement.* He is then lodged, for a few hours at most, in a reception cell, there to await the inspection of the Surgeon, who daily visits the prison. This examination having been made, the prisoner is next led to the baths, being shewn, as he passes, the dark cells, which, as a preventive to breaches of discipline, he is kindly forewarned are provided for the punishment of the refractory. Whilst allowed the needful indulgence of a warm bath, his own clothes are removed† to be fumigated, and laid up until his liberation, and he is provided with all requisite apparel at the expense of the

* These are sealed up, and restored to the prisoner when the period of his confinement has expired, unless the culprit should be convicted of felony, in which case all money or articles of value are forfeited to the crown.

† Prisoners committed for trial are permitted to wear their own clothes before conviction, if they prefer doing so, (unless for the ends of justice it may be necessary to preserve them, that the accused may be identified), but few, however, avail themselves of this license.

county. The process of cleansing and clothing having been completed, the prisoner is next conducted to his appointed cell ; if for trial, in a wing which is distinguished as the Gaol, in which safe custody alone is the object sought and ensured ; or if convicted, in some part of the House of Correction. The cell being furnished with books, &c., as before described, the inmate finds relief in his seclusion, means of improvement are at once within his reach, some profitable employment, as will be hereafter shewn, is permitted, and the diligent occupation of time, though not enforced, is encouraged.

Supposing the prisoner to have been lodged in his cell towards the evening, and to have retired to rest at the appointed time, the following routine prescribed by the Visiting Justices will afford a general idea of the manner in which the succeeding day will be spent, and will also shew the various duties of the subordinate officers of the establishment :—

TIME

- 5h. 30m. a.m.—The Warder on night watch to ring the bell for officers to rise.
- 6h. 0m. a.m.—Unlock : prisoners to open and shake their bedding, wash themselves, clean cells and corridors, and roll up hammocks. Officers in charge of basement, to see that outgoing prisoners are dressed in their own clothes, and that the prison clothing is returned to the storekeeper immediately.
- 8h. 0m. a.m.—Assistant Warders and prisoners breakfast.

- 8h. 30 m.a.m.—Principal Warders breakfast (and the two officers who have taken the night watches.) Prisoners all under lock.
- 9h. 0m. a.m.—All Warders attend muster in central hall, and make reports to Deputy-Governor.
- 9h. 10m. a.m.—Bell for chapel. Porter to attend in front court, when female prisoners go out and return from chapel, with veils down, and five paces apart to prevent communication. Storekeeper to attend in north corridor; Clerk at entrance to chapel; Warders to see male prisoners proceed in silence, five paces apart, with peak of caps down. Two officers to remain out of chapel to inspect cells and all parts of their divisions internally.
- 10h. 0m. a.m.—One officer with detachment of prisoners at pump; one ditto ditto in airing yard, with the prisoners' bedding in dry weather; one going rounds with the Surgeon; three on duty in corridors; one on duty with Schoolmaster's chapel classes; and one ditto in garden. Prisoners not at pump, in airing yard, or under instruction, to continue working at any trade they may have been used to, for the service of the gaol, tailoring, shoemaking, knitting, picking coir, and cleaning prison generally.
- 12h. 0m. a.m.—The Assistant Warders and prisoners dine, during which time the Governor will visit every cell, together with the Principal Warders, to hear complaints.

12h. 30h. a.m.—Principal Warders collect dinner tins and knives in A. and C. 1. wards.

1h. 0m. p.m.—Principal Warders dine, and Assistant Warders return to duty, collect dinner tins and knives in the other wards, then proceed with the usual duties.

2 till 6.—The greater part of the above routine will be continued ; to which is to be added the receiving, dressing, and bathing in-coming prisoners ; removing their clothes to the fumigating room and store room ; cutting the prisoners' hair ; supplying them with razors and hot water ; shaving them when sick ; attending prisoners when visited by other ministers, or their friends or solicitors ; and when cleaning the prison generally.

6h. 0m. p.m.—The prisoners will be supplied with supper.

7h. 30m. p.m.—The Warders will remove tools, &c.

7h. 45m. p.m.—Bell to be rung to prepare for bed.

8h. 0m. p.m.—Bed.

In winter the bell to be rung for officers to rise half an hour before daylight ; at daylight the prisoners to rise ; officers to light and put out gas.

As a general outline, the details of which must be worked out as circumstances permit. Prisoners who can read will be furnished with proper books ; and may be occupied by committing to memory useful passages, as a safe and not unprofitable employment of the mind. Those who cannot read

will have the opportunity of learning ; and advantage may be taken of every prisoner's previous handicraft ability for the general advantage of the establishment, while for others there will be the ordinary labour necessary for prison cleanliness. It is understood that the great principle in view in these arrangements is the non-intercourse of prisoners, so as to prevent moral contamination, or the means of concerting escape.

By order of the Visiting Justices.

I trust that much more is accomplished than has been expressed in the concluding sentence of this order. Perhaps as we proceed with the proposed description of the particular employment of individuals ; the plans pursued for correction, and opportunities for improvement, may more evidently appear.

6h. a.m.—Having been called from his bed at this appointed time, dressing, the arrangement, and cleansing of the prisoners' cell, &c., may occupy about an hour and a half, he has, therefore, before breakfast, and during the interval of breakfast and attendance at chapel, a considerable portion of time at his own disposal. This is generally spent in preparing some lesson for the schoolmaster, which the prisoner has been recommended, but not compelled to learn.

9h. 15m. a.m.—At this time the prisoner will attend Divine Service in the chapel. The service

consists of the greater part of the appointed morning prayer, the psalms for the day, and a short exposition, either of the lesson, or of some other portion of scripture. As a means of insuring attention, it is the practice of the Chaplain to question the prisoners on the subjects particularly referred to when he afterwards visits their cells ; the advantage of which will be hereafter shewn.

From 10 till 11 a.m.—The prisoner will either be taking exercise in the airing yard, or will be employed at the pump.

From 11 till 12 a.m.—On alternate days great part of this hour will be passed in receiving instruction, with a class, from the Chaplain. At this time, attention is directed to subjects of morality and religion, which can be illustrated and explained in a more familiar manner than would be consistent with the solemnity of Divine Worship ; and the advantages of catechetical instruction are also afforded by this attendance in class. It is often found that the ignorant* learn more from the simple answers of their equals, than from any explanation of their superiors, and a habit of attention is also thus induced. On days when the prisoner is not thus occupied, this hour is spent either in cleansing the prison, or with some employment in his cell.

* I have referred particularly to the ignorance of prisoners in the Reports, vol. ii., by which it will be seen that the services of the church, and the Scriptures generally, are but little understood by the majority when first committed.

From 12 till 1 p.m.—Dinner, &c.

From 1 till 3 p.m.—The prisoner, if unable to read, will, during part of this time, receive instruction in class from the Schoolmaster. He will also be visited in his cell by the Chaplain twice in the week, and the intervals between the instruction thus given will be spent at the work which has been allowed.

From 3 till 4 p.m.—Some exercise in the open air.

From 4 till 6 p.m.—Visited by the Schoolmaster in his cell; lessons repeated, and privately taught writing, arithmetic,* or some instruction calculated to improve the mind, or to be of advantage in future life: intervals occupied as above.

Six p.m.—Supper. The remaining space until bed-time allowed for mental and moral improvement exclusively.

It will be observed from the above particulars that a large proportion of the prisoner's time is

* The Chaplain feels that much discretion ought to be used in communicating this extent of secular knowledge to criminals. Such instruction might prove injurious, both to the culprit himself, and to society: and should no change of character be effected, these consequences must follow,—He would but become more wise to do evil. It is only, therefore, when the feelings and conduct of an offender give the hope of his reformation, that instruction, beyond that of teaching to read, is imparted. As a general rule, further instruction is afforded when considerable portions of Holy Scripture are committed to memory with apparent pleasure.

spent in seclusion, and that such time is at his own disposal. The advantages attending and resulting from that privacy will be evident from succeeding pages; the manner in which the time is spent is shewn to some extent in the Reports, (vol. ii.) and may further appear in the following chapter, in which the subject of labour will be considered.

and in a preceding chapter reference has been made to the subject of tread-wheel labour, of which it may be repeated, that as a *mere punishment*, a means of inflicting pain, there can be little doubt of its power. Yet surely a punishment more unfair never was inflicted, inasmuch as its severity must depend more on the physical condition and previous employment of the prisoner, than on the nature of his crime, or the depravity of his character. Often will the incorrigible offender, whose repeated committals have habituated him to the tread-wheel's motion, be subjected to a penalty far less painful than the novice in crime, sentenced to suffer for his first offence. It has also been shewn to be destitute of any corrective influence; and the following evidence may still further prove the injustice and inequality of such a penalty, inasmuch as the injury sometimes to the body, and always to the character of the criminal, extends beyond the period assigned for punishment. I felt it my duty to represent a few years since that the emaciated condition to which some prisoners were reduced by labour and irritation on the tread-wheel, was certainly injurious to the mental faculties. The following testimony as to the effect on the bodily system was given to the Select Committee of Parliament on this subject:—"In some respects I think there is more cruelty in our gaols than I have ever before seen; in some places they tread the wheel now ten hours, and I have found one ten and a half, which is

beyond the Act of Parliament, and their diet appeared very poor ; but the state of things was such that on looking to the prisoners, I said to the gaoler I was confident from their countenances and their pallid appearance that the men were suffering from their situation, and that my opinion was that they would be unable to return to their work and avocations in the country to labour for their living. He said, ‘ You are right there ; we have had several instances ; one man was in that state that he could not walk from the prison ; we were obliged to get him a conveyance.’ ” And as respects the lasting evils of the demoralization produced by such a punishment, the following additional evidence, adduced before the same committee, is most important :—“ The part I am most anxious to impress upon your Lordships’ Committee is the great advantage that would accrue in all the country parts of England, but particularly in the neighbourhood of those parts of Surrey and Berkshire where I live, if it was in the power of the magistrates, in summary convictions, instead of sending to the treadmill, to send a prisoner into solitary confinement, as it often happens that a young man, probably for his first offence, who may have been a little irregular with his master, is brought before the magistrate for a minor offence, and if the young man is sent to the treadmill he is sure to come back worse than he went ; if he could be sent to a quiet cell and solitary confinement, the young man would

come out better than he went in, and the farmer would be glad to take him again into his service ; but now they say that the contamination of the tread-mill is such as to prevent his being taken again, and in consequence of this, usually, he goes up to London, and becomes a rogue and vagabond, or professed thief.”—*Colonel C. B. Challoner.*

“I have known an instance,” says Mr. Baron Alderson, in his recent evidence (1847) before the House of Lords, “in which a regular plan for a robbery, which took effect, and was tried before me, was laid in one of what is called our best regulated gaols, *and on the treadmill.* The instrument there was a boy, and the principals were adult thieves.”

Forcible as these arguments must appear against such a means of punishment, yet a still more powerful reason for its discontinuance is afforded in the advantages which attend an opposite method of treatment. These are obvious to all who examine the working of our present system, and scrutinize its effects. The Visiting Justices have in a most satisfactory manner expressed their conviction on this subject ; (see Report, Vol. ii.) and a magistrate, who has given much time and attention to our system, very carefully watching its operations from the commencement, writes thus :—“ We have no tread-wheel, nor anything approaching to hard labour, except a pump worked by ten men, for which two would suffice. But the apprehension I once entertained, that we must have a mill, is yield-

ing to improvement. We have converted the inner yard of the prison into a garden, which is cultivated by the prisoners in turn. They have other exercise in various ways. They pick a little oakum, and they work in iron. But the great object with us is self education, as they learn to improvement of character; and I instead of their punishment, and the irritation and struggle which follow the read-just, and other heavy mental distress. We do teach them sorrow for the past, and show them how to convince themselves that honesty is the best policy, the purpose of imprisonment in the deterring from crime is achieved.*

Although the read-just has been entirely abandoned, still I regret that one class of our prisoners is subjected to compulsory labour. The number of female convicts has been less than in former years, and the consequence has been, that the washing, &c., for the establishment which females are obliged to perform, has given them almost constant and arduous employment. Upon these it is evident, and has been remarked, that the imprisonment does not produce equally good effects, and several have been re-committed.†

But whilst a punishment so unjust as that of

* Letter to the Magistrates of Warwickshire.

† Since the above was written, the Visiting Justices have been induced to order that a portion of the washing be performed by the male convicts; and the advantages of such a regulation have been plainly seen.

labour on the tread-wheel is rejected, no false views of humanity are adopted.* The force of a remark by the Sovereign, who has been before quoted, is acknowledged and acted upon:—"Humanity enjoins that punishments ought not to be humiliating; Justice demands that they should be serious." It must not therefore be supposed that separate imprisonment is a system of impunity, affording a sanction to contempt of law, or lax notions of morality, and thereby endangering society.† On the

* "Le nouveau système nous semble avoir été conçu dans le dessein d'éviter les excès qu'on lui reproche : dégagé des rigours qui ne sont point nécessaires à son succès : exempt des adoucissements qui ne sont réclamés que par une philanthropie mal entendue."—*Système Pen. Deux Par. ch. II.*

† The learned writer of an article in the *Quarterly Review*, upon the Reports of Pentonville Prison, and on the former edition of this Work, justly observes, "The difficulty has hitherto been to discover a system as to the less heinous class of criminals, which should at once punish to deter, and amend to restore; and we believe the problem will find its solution in the careful and watchful workings of that kind of secondary punishment known as the Separate System. We say advisedly 'careful and watchful,' for there is much to fear from those who would abuse the deterrent principle, and who seeing no punishment in solitude, would aggravate it by additional restrictions and penalties. On the other hand, they who would abjure this principle will endeavour to denude the discipline of all its wholesome severities, leaving nothing to it but the name of a punishment; and crime will be at a premium whenever the fear of inflicting penalties shall be livelier with the authorities than the fear of suffering penalties in the culprit."—*Quarterly Review*, No. clxiii. p. 179.

contrary, its advocates support it as a means of correction both adequate and equitable—painful to all, but varying in its penal character in proportion to the extent of depravity, and therefore felt most severely by criminals the most vicious. But compulsory labour forms no part of the plan, because both reason and experience prove that the punishment is far more grievous when the subject of it is deprived of employment; and that if enforced, instead of correcting, it deteriorates the offender.

It has been elsewhere observed (Report, Vol. ii.) that the remorse which for a time preys upon the spirit of the prisoner is beyond comparison more distressing than the most laborious occupation with which the body might be oppressed.* The lowest grade of the human race is something above the brute, possessing faculties which in proportion to their superiority, may afford higher enjoyment, or increased suffering. It is then the healthful, however painful exercise of these, which separation and seclusion tend to excite; but what could more cer-

* Hence in his recent evidence given before the Select Committee, on the execution of the criminal law, the Lord Justice Clerk, of Scotland, recommended that since for trifling offences long imprisonments cannot be awarded, the short imprisonments be made as burthensome as possible by the *Separate System*; and if the time is too short for instruction, then broken only by earnest exhortation, the rest left to solitude and *complete inactivity, without any occupation*, e. g. as when it is for 20 or 30 or even 60 days, and for the first offence.

tainly prevent this most desirable object, than obliging any recourse to means of diverting the thoughts, and thus creating or encouraging indifference ; or enforcing labour, which first stimulates evil passions, and afterwards so depresses the body as to cause the reproaches of conscience to be less keenly felt, and which renders the mind less capable of reflection. However little attention has been paid to the truth in our treatment of criminals, who though fallen, are still our fellows, yet observation and experience must convince us all that sympathy, close and unconquerable, subsists between mind and body in our present state, and that weariness of the one must tend to enfeeble the energies of the other.

Any who are acquainted with the feelings of criminals must be aware how averse they are from reflection. A punishment will generally appear dreadful to them as the means of avoiding consideration are prevented.* The very dread implies the necessity for such a corrective exercise and the wisdom of enforcing it. On the other hand the fear and dislike of imprisonment will diminish in proportion as opportunities of lulling an accusing conscience may be allowed, or the means of killing time either

* A remarkable instance of this has occurred within this week. A culprit who had been six times before in custody was convicted and sentenced to three months' imprisonment, when he begged earnestly that he might not be sent to this prison, but rather that his punishment might be altered to that of transportation.

amidst vicious companions, or even by laborious occupation may be permitted. True are those lines of Young:—

“—— Prisons hardly frown,
“ From hateful *Time* if prisons set them free.”

And whilst I deprecate compulsory hard labour as preventing remorse, reflection, and improvement, I would insist more strongly upon the impropriety of allowing a large portion of the day to be spent in light and agreeable manual occupation, whilst such deprive the prison of its punitive character, they have no tendency to render it a place of correction. The work of the prisoner (excepting those to be transported, who may well be taught trades) should not be of a kind that he would choose under other circumstances. Employment elsewhere, most unpleasant, will be a welcome resource in the cell. Work of a common description becomes then an amusement, a means of diversion, a waste of time, as regards the purpose of imprisonment. Hence the mistake of employing criminals in the service of the prison. Their correction is thus often sacrificed to false economy. If any must be so occupied, those alone should be selected who have been long confined, and in whose reformation much confidence is felt. But even with such the time thus spent should be short. It was for corrective punishment that its duration was determined, and that will not be promoted, may perhaps be frustrated, by any premature interference with their penal seclusion, or by

lessening the term assigned for reflection and instruction—I may illustrate these remarks by the case of a female prisoner recently discharged, concerning whom, a short time since, I made the following note in my journal :—"I consider that some of the female convicts are still employed to an extent which is by no means suited to the present system of discipline. One especially, ———, who has been five months in the prison, has lately been employed in the service of the gaol more than eight hours in the day, and her conduct and language now almost forbid the hope of her correction." The case of this prisoner is remarkable—a short time since she was unwell, but not by any means seriously ill, she had not at that time employment out of her cell, and in her seclusion she reflected upon her crime and folly, expressed much sorrow, and was in a promising state of mind. On the recovery of her health she returned to the employment in the prison, and became less concerned about her condition. This morning, when I visited her, instead of reproaching *herself*, as before, she spoke vehemently against her prosecutrix. This I ascribe chiefly to the manner in which her mind has been diverted before good impressions and feelings were confirmed. She is now in a state of robust health : her employment is not hard labour, is not punishment ; but it occupies so large a portion of the day that she is enabled effectually to divert her mind from all that painful reflection which must attend

any corrective process of penal treatment. It is further worthy of notice, that the diet given to convicts of this class is that which is appointed for those at hard labour. Now, although the depression of criminals when separately confined, may be a sufficient cause for affording that same liberal allowance, yet if remorse and reflection be thus prevented the cause is removed, and then the superabundance of food seriously interferes with the correction of the prisoner.

So powerful is the social principle which the Creator has implanted in the mind of man, that the very idea of continued solitude excites emotions most painful and repugnant. The love of fellowship, having God as its author, is in itself a virtuous feeling. In man's innocency we learn that companionship was preferable. And although, since the fall, and in consequence of infirmities, some privacy is now required, that vicious inclinations may be subdued, and holy dispositions sought and strengthened ; yet in proportion as the lost character is thus restored, intercourse and association still tend to promote God's glory, and the good of man. Sin has corrupted our nature, and perverted, but not eradicated, the social principle. The evil-disposed, therefore, love society, and seek companionship in their crimes ; whilst the absence of all good desire is attended by dislike to be alone. Having no wish to amend, they avoid the means. But if occasional seclusion is found to be needful for the compara-

tively pure in heart, and is chosen by them as profitable and pleasant, to the more depraved the very aversion proves it to be still more required. Since then it is the prevalence of evil and the disinclination to resist it, which gives separation its penal character, most suitable is the punishment, which, whilst it is thus caused by vice, affords the necessary opportunity for correction. But most careful should we be lest that opportunity be lost by allowing such occupations as may prevent thoughtfulness and self-reproach, and thereby too much lessen the punishment, and altogether frustrate its purpose. And the testimony in favour of the system which allows much time for reflection, and substitutes the pangs of remorse and other mental punishments, for mere animal fatigue and corporal suffering, becomes yet more convincing when we observe the adverse results which have followed an opposite plan of prison discipline.

I was not surprised on a recent visit to the large prisons of Vilvorde and Ghent to find that the great majority of discharged criminals were very soon re-committed. But little acquaintance with prisons and their occupants would prepare any visitor to expect this. He sees the strictest order, the prisoners associated but silent, labouring by compulsion during the greater part of the day, and permitted to work at other times for their own advantage. Their time being thus spent, and all the energies of mind and body concentrated in their manual employment,

all reflection is dispelled, and instruction despised. The correction of the prisoner is rarely, if ever, accomplished.

It is not in Belgium alone, but wherever the like system is pursued, and the mis-called discipline of coercion and mere corporal penalties are inflicted, there imprisonment fails in its purpose, and the criminals thus punished speedily relapse.

A plan of industrial training has been adopted in some prisons, conducted on the separate system, and has been strenuously advocated by many persons. In the hope that a habit of industry might be acquired, a strong inducement to continuous labour has been held out, by allowing the prisoner, when his task was completed, some profit on all "over-work." It may be a question whether a permanent habit is ever acquired by such means. But of this there can be no doubt, that the endeavour to promote it may be made at too great a cost. Time may be thus expended which should be spent in far more corrective pursuits. Let us suppose the bribe to be effectual, and the appeal to a merely selfish motive to produce the desired habit. Is the end of imprisonment thus obtained? Is reformation thereby wrought, and correction completed? As a means towards the object proposed, we value, and would make use of habitual labour, but let us not mistake it for the ultimate purpose. An industrious man may still be dishonest. He may still be impetuous. Neither the person nor the property of his neigh-

bour may be ensured, because, by the incitement of a selfish principle he has become industrious. His temptations, it is true, may be less whilst his hands are employed: but work may be withheld, and his earnings may fail. And in that time of trial he will be proved wanting. Time, then, is shewn to have been wasted in the workshop, which should have been devoted to corrective instruction. No adequate motives, either to perseverance, amidst difficulties, or to patient endurance, have been imparted. Selfishness has been fostered, and now by a recurrence to crime it will be satisfied. It is perilous alike to the criminal and to the State, to suppose that by training the hands we can restrain them from wrong, or that if the head be unfurnished, and the heart uninfluenced, any system of penal discipline can fulfil its design.

But does evidence warrant such assertions? I point to any prison in England, or elsewhere, in which this plan has been pursued, and the statements are proved. I select a gaol in which this industrial training has been attempted under circumstances the most favourable. In the General Prison, at Perth, the officers are exemplary; the order maintained is excellent; all prisoners are in separate confinement, and none for less than twelve months. But there the fatal plan which has been referred to is followed, and the effects are disastrous both to the culprits and their country. The Inspectors' Reports, and the evidence quoted, (Vol. II.)

shew us that not less than *eighty per cent.* of the criminals discharged from this prison are *re-committed!* How then shall we account for the fact that of criminals of the same class released from the gaol at Reading, the proportion re-committed does not amount to one *tenth* of that number? The cause is easily described : because at Reading, whilst industrial training is not disregarded, it is subordinate to, and not suffered to interfere with scriptural, and therefore corrective instruction. It is not merely *habitual*, but *honest* industry, which is promoted by such discipline. Sound principle influences the practice ; and in the time of temptation the criminal is found to have been corrected, and is steadfast. Those who provided his punishment, and the prisoner himself, have been taught not only *what* their duty is, but in what *order* it should be enforced and performed ; hence, by God's blessing, the criminal has effectually learnt His law—"Let him that stole steal no more : but rather let him labour, working with his hands the thing which is good."

I may exemplify what I have written. There are now in the Reading Gaol two young men, who were about twelve months since discharged from the prison at Perth. One had been a year, the other eighteen months, there confined. Both had been occupied as weavers during their respective terms of imprisonment. The latter had been so industrious that he had earned thirty-five shillings, which was paid him on his release from custody. With

this, he tells me, he bought one pair of boots and spent all the rest in drunkenness and debauchery. Instead of continuing his industry he committed several offences, and was again arrested within six months. What may be the effect of present discipline on these criminals remains to be proved. I believe them both to be penitent : one most promising. Both are employed about six hours in the day as shoemakers, but at other times read and reflect. They have both committed to memory a large portion of Holy Scripture : one of them has learnt the whole of the New Testament and the Psalms, since his committal to Reading, which he can now repeat. The feeling he has shewn, and his conduct, have been so satisfactory that I have admitted him to the holy communion. And I may further add, that in a recent communication with a mutual friend, the excellent Chaplain of the Prison, at Perth, mentions the pleasure he had derived from the perusal of a letter written by this young man to his mother, and which she had shewn him, as affording great hope of his reformation.

Reverting to the question, whether sufficiency of punishment is provided under the cellular system without the infliction of bodily suffering, I quote the following observations of the King of Sweden :—
“ The offender is left to the avenging voice of conscience. There are no exterior enticing objects around him, which can divert self-examination, or dissipate his depressed mind. Sorrowful remem-

brances and disappointed hopes, make up the picture of his past life, and show him the evil he has committed, and the good he has neglected. The greater the offence, the more sanguinary the crime has been, so much the more painful is, also, this terrible solitude, from which he cannot escape; for it is the stamp of every punishment that acts upon the soul without debasing it, that its severity is just in proportion to the really moral guilt, and to the intention itself which gave rise to it."—*Punishments and Prisons*, p. 51.

But to prove that this severity is really felt, evidence will be more convincing than argument. I may state, then, that after the committal of a prisoner rarely does the day pass but he begs for some employment; he cares not what his work may be, provided some may be permitted. The picking of oakum, enforced in our workhouses (whether properly or not, I leave others to discuss,) because most irksome and unpleasant, and for refusing to complete the appointed task of which many are committed to our prison cells, is then by the same offenders eagerly sought as a relief, and allowed as a relaxation.

Nor do I think that any class of prisoners form an exception to the general impolicy of enforcing labour. Individuals may and do require variety of treatment, and great is the advantage of isolation in this respect, that the punishment admits of such required difference in the particular application.

But as a general rule I assert with confidence, that, *when secluded and alone*, prisoners prefer the hardest, and, under other circumstances, the most irksome labour, to idleness which is constrained, and which is attended by those feelings of remorse which they cannot dispel.

There is one class, viz., that of vagrants, to whom beyond others the observation of Paley, that "aversion from labour is the cause of crime," may be considered especially applicable. It has therefore been contended that severe bodily exertion is calculated to be the greatest punishment to these offenders, and most effectually to prevent the evils they produce. The discipline of our prison has hitherto afforded evidence to the contrary. The great diminution in the number of commitments for vagrancy, proves the truth of the avowed dislike to separation as a punishment, and that their determination never to get into such a gaol again, is acted upon as well as often expressed.* A short time since our prison

* A reference to the Tables given in Chap. V., will show a decrease of 50 Vagrants committed last year, as compared with the average of the five preceding years; but it is remarkable that in Herefordshire, where the system of separation has been more than two years imperfectly established, *hard labour on the tread-wheel being enforced*, there has been an enormous increase in the number of committals for Vagrancy. In 1845 not less than 156 Vagrants were committed to that prison, whereas the average of the five years preceding was but 54. [Note, 1st Edit.] Notwithstanding the vast number of dissolute and distressed paupers who

was visited by a deputation from an adjoining county, and a visiting magistrate of the house of correction at Aylesbury observed, that the vagrants there committed spoke with the greatest aversion of Reading Prison, and, he added, "We are now so infested with them in the county that we must, in self defence, follow the example of Berkshire." *

I might make many extracts with reference to this subject from reports given by the officers of various prisons, and other authorities before me, but the observations of one or two may be sufficient. The Governor of the Brixton House of Correction states—"I have made a practice of examining such of the prisoners in my custody who have from time to time undergone both treadwheel labour and solitary confinement, before their departure from prison, as to their estimate of the comparative severity, and have without a single exception, always found that they considered the latter to be most severe, and that they would prefer a longer period of hard labour to a shorter one of solitary confinement. This has been the universal answer."

Nor do circumstances which aggravate the punishment of labour render it less preferable to criminals, provided they may be associated. Mr. Howard,

have traversed the country during the last two years, the number committed of this class has been 35 below the average of the five years previous to the introduction of the Separate System.

* See Note to Report, 1846. Vol. ii.

in his description of the prisoners at Bern, states "that they were chained to a cart, and wore an iron collar, with a hook projecting above the head, weighing about five pounds. I asked the men whether they would choose to work so, or be confined within doors (in separate cells). 'Much rather,' they said, 'work thus.' I found a few miserable for want of employment."—*State of Prisons*, p. 110.

The system of separation has been pursued to some extent at Tynemouth, and the Inspectors of Prisons report, that "having examined the prisoners, it was their uniform observation, that they would not come there again; and one of them said, 'He would rather be on the treadmill from sunrise to sundown than be confined as he was to his cell.'"—*Third Report*, p. 38.

Sir T. F. Buxton observes, that on his visit to the Penitentiary at Milbank, he "asked a great many if they were willing to work, and invariably they lamented the hardship of having nothing to do, and expressed their willingness to do anything. The Governor, in my presence, threatened one man to take away his work, and afterwards told me, the fulfilment of that threat would be the greatest punishment he could inflict."—*Prison Discipline*, p. 115.

In the minutes of evidence before the Select Committee of Parliament in 1835, I find the following testimony of a Magistrate of Middlesex:—"Non-employment would be a punishment, because la-

bour becomes habitual; it becomes a less punishment every day; but while the effects of the punishment are decreasing, the offender is every day becoming hardened and callous. Labour ultimately becomes a relief to the monotony of the day, and in that case is a boon to an offender; therefore I think that non-employment would increase the irksomeness and weariness of the time. I have been informed that prisoners have a great dislike to the monotony of Sunday, because they have no employment. Mr. Crawford, in his evidence, (fol. 4, Select Committee, House of Lords,) said, 'One of the greatest punishments upon the men (at Wakefield) was to take away their labour.' Again, he observes (fol. 7), 'I have visited the House of Correction at Springfield, in which persons are occasionally confined in solitude, without employment, for a certain period; this appears to me to be far more severe.' The Rev. Chaplain of the Penitentiary states also, in his evidence before the Select Committee of the House of Commons, 1831, that he thinks 'the treadmill, as it is now used, does no good at all; is convinced that nothing short of seclusion will go to reformation; in ordinary cases of conviction, where three or six months' confinement are ordered, he would give three months of strict solitary confinement without labour.' This opinion concerning non-employment is corroborated by Mr. T. G. B. Estcourt, who states in his evidence before the Committee of the House of Commons with reference to work, 'I do not con-

sider the hard labour as any material addition to the weight of punishments ; on the contrary, I believe that if imprisonment was altogether to be divested of labour, and that during the hours that agricultural labourers are now employed on the tread-wheel, if they were confined in separate cells, the weight of the punishment would be greater than it is when they are for a certain number of hours in the day employed on the tread-wheel ;' he further states, that ' prisoners who have been confined in solitude in the House of Correction in Wilts have requested to be employed in preference to being continue in solitude without any labour at all ;' he adds, that ' the result of his experience leads him to conclude that solitary confinement, with no more exercise than is barely sufficient for the preservation of health, is a severer punishment than labour on the wheel with seclusion during the hours that the prisoner is not at labour."

From the above testimony I think it must be evident that adequate punishment is provided by separate imprisonment, and that the penalty inflicted under such a system is of a *far more salutary character* than any which compulsory hard labour could impose. But under this system reformation is aimed at rather by means of corrective instruction than by punishment ; hence, although to deprive of any employment for a time, and to subject the prisoner for a short period to the remorse which is soon felt in his seclusion, is judicious, as well as just ;

yet lest the culprit under treatment so severe should either sink into a state of despondency, or getting more reconciled to his condition should become listless and inactive, occupation of some kind is not long withheld. It is not forgotten that most of our criminals are of a class, whose honest livelihood depends on their labour; it is therefore of the utmost importance that aversion to labour should be corrected, and that industrious habits should by some means be induced and encouraged. Howard in his account of the prisons of Holland observes,* that "The men are put to labour in the rasp-houses, and the women to proper work in the spin-houses, upon this professed maxim, 'Make them diligent, and they will be honest.'" Should the necessary connexion between industry and uprightness be disputed, yet it must be allowed that, amongst the lower classes, idleness and dishonesty are almost inseparable. Very defective then would be that discipline which should aim only at correcting the latter vice without endeavouring to cure the former, thus applying a remedy to the effect, but neglecting the cause. The evil of idleness may be less apparent, but as a source of crime it is more pernicious, and often more difficult to overcome.†

* State of Prisons, p. 53.

† * * * "Some are Lingerers; persons who don't indeed employ their time criminally, but who, as the poet says—

' ————— waste away
In gentle inactivity the day.'

The evil effects of idleness and the duty of preventing or punishing the vice itself, are forcibly declared in one of the Homilies of our Church.—“ Lo ! here the end of the idle and sluggish bodies, whose hands cannot away with honest labour : loss of name, fame, reputation, and life, here in this world, and, without the great mercy of God, the purchasing of everlasting destruction in the world to come. Have not all men then good cause to beware and take heed of idleness, seeing they that embrace and follow it have commonly of their pleasant idleness, sharp and sour displeasures ? Doubtless, good and godly men, weighing the great and manifold harms that come by idleness to a commonweal, have from time to time provided with all diligence, that sharp and severe laws might be made for the correction and amendment of this evil. The Egyptians had a law, that every man should weekly bring his name to the chief rulers of the province, and therewithal declare what trade of life he used, to the intent that idleness might be worthily punished, and diligent labour duly rewarded. The Athenians did chastise sluggish and slothful people no less than they did heinous and grievous offenders, considering, as the truth is, that idleness causeth much mischief. The Areopa-

Others being something more vivacious, are such as do not only omit to spend their time well, but are in the constant pursuit of criminal satisfactions. The case of the first seems to be the more deplorable, as the habit of sloth is more invincible than that of vice.”—*The Guardian*, No. 131.

gites called every man to a straight account how he lived ; and if they found any loiterers, that did not profit the commonweal by one means or other, they were driven out and banished as unprofitable members, that did only hurt and corrupt the body. And in this realm of England good and godly laws have been divers times made, that no idle vagabonds and loitering runagates should be suffered to go from town to town, from place to place, without punishment, which neither serve God nor their prince, but devour the sweet fruits of other men's labour, being common liars, drunkards, swearers, thieves, and murderers, refusing all honest labour, and give themselves to nothing else but to invent and do mischief, whereof they are more desirous and greedy than is any lion of his prey." *

Truly corrective then, and excellent indeed, is that system of imprisonment which, with other advantages, *produces the love*, and thus promotes the habit of industry. I lay much stress on the means by which the desired end is accomplished. The lash may ensure the performance of a task, but no lengthened repetition of tasks thus exacted, will lead to the continuance of labour when the hateful scourge can be no longer threatened. Human nature must change before compulsion can beget any other feeling than repugnance † But let employment be

* Homilies, p. 479. Clar. Ed. 1832.

† In the debate on the government plan of education, proposed to the House of Lords by the Marquis of Lansdowne,

sought as a relief, let it be asked for as a favour, and granted as an indulgence, and the voluntary exercise will gladly be performed. Work, thus wished for, will be well done ; a succession of such acts will produce the habit, and the pleasing association will render it permanent.* Surely then a promising System of Correction has been adopted if duty be made the object of desire.

The evidence afforded on this point respecting prisons in which this plan has been pursued is most satisfactory.

Sir G. O. Paul thus described the discipline at the Gloucester Penitentiary :—"The principle of this part of our discipline is rather to give employment than to punish by hard labour, as intended by

Feb. 6, 1847, the following remarks, applicable to our subject, were made by Lord Brougham :—" *Compulsory* education may work exceedingly well in Prussia, but it would never do in England. Such a system would make education here absolutely and sovereignly detested. You could not prevent it being hated, *for it is in the nature of Englishmen to hate anything that is put upon them by force.*"

* I am glad to strengthen the opinion I have expressed on this point by citing that of the able Chaplain of the Philanthropic, the Rev. Sydney Turner, who in his description of Mettray writes—"It must be constantly borne in mind, that the producing an independent action of the individual's own mind,—the inducing and accustoming him to act on right principles of his own accord,—is the great object to be attained. *Voluntary*, not *forced*, good conduct must be the object we aim at, for this alone will *last.*"

former laws ; by preventing solitude from pressing too severely on the mind ; by accustoming prisoners to find relief and gratification in employment ; and thus to dispose them to habits of industry. * * It is within my own personal knowledge that many returned from this prison to obtain a livelihood by honest industry.”—*Parliamentary Evidence*, 1811.

M. M. de Beaumont and de Tocqueville report as follows :—“ It would be inaccurate to say that in the Philadelphia Penitentiary labour is imposed ; we may say with more justice that the favour of labour is granted. When we visited this Penitentiary, we successively conversed with all its inmates. There was not a single one among them who did not speak of labour with a kind of gratitude and who did not express the idea that without the relief of constant occupation life would be insupportable.* What would become of the prisoner, during the long hours of solitude, without this relief, given up to himself, a prey to remorse, and to the terrors of his imagination ? Labour gives to the solitary cell an interest ; it fatigues the body and relieves the mind. It is very remarkable that these men, the greater part of whom have been led to crime by indolence and idleness, should be constrained to find in labour their

* Many of the answers given in the Appendix to the Volume from which I quote are deserving of much attention. They not only shew the tendency of the system to correct idleness, but likewise how much the prisoner finds a resource in other means of correction.

only comfort. By detesting idleness they accustom themselves to hate the primary cause of their misfortune ; and labour, by comforting them, makes them love the only means which, when again free, will enable them honestly to gain their livelihood."

In 1834, Dr. Julius was commissioned by the Prussian Government to visit the American Penitentiaries. In a letter, which he has since published on this subject, he thus expresses himself:—"Labour is only a means employed for the purpose of altering the habits of the convict, and of disposing him to betake himself to it on his departure from prison. It ought, therefore, to be so dealt out to the prisoner as that he shall voluntarily, and of his own will, betake himself to it. Now the prisoner left to himself in his cell, finding in the activity of labour an improvement in his bodily comfort, and an asylum from the monotony of his existence and the remorse of his conscience, will devote himself to it with readiness and satisfaction ; and that unconstrained employment will produce upon his mind and habits a more important moral effect than if his unremitted application were the consequence of the perpetual apprehension of corporal punishment, which is the case under the silent system.

A second deputation from the French Government thus report :—"When the prisoner is reduced to submission he is allowed some work. This release from irritation and ennui, is regarded by him as an inestimable benefit and consolation. He de-

PRISON DISCIPLINE.

himself with ardour to an employment which becomes an alleviation, instead of an aggravation of his punishment."

The following additional testimony is given by an intelligent resident in Philadelphia :—"The wish to return to a life of honest industry is not so rare in released convicts as most persons suppose, provided the prisoner has not been kept in a state of constant contamination. A vicious life is not comfortable. Generally the causes which make a wicked person prefer the path of crime to an honourable life are two-fold—the love of idleness, and the love of excitement. If you can overcome these two dispositions ; if you can instil into the convict a love of labour, and make it a habit with him ; and if you can cure him of the craving for excitement, you will, in most cases, have laid the firmest foundation for a thorough reformation. Now, labour appears to the prisoner in solitary confinement as the sweetest comfort. He asks—he begs for it ; and no punishment could be harder than denying him the comfort of labour in his lonely cell. They all will tell you so."

I have extracted some of the foregoing evidence from the Parliamentary Reports of the Inspectors of Prisons ; and I cannot give a more suitable conclusion to this chapter than by quoting an observation of their own on this important subject :—"The System ought scrupulously to avoid all imposition of bodily exertion as a task, and to place the prisoner

on his arrival in such a situation as shall soon lead him to solicit labour as an alleviation, as a source of positive enjoyment, as a privilege to which he becomes entitled by the simple circumstance of having asked for it. The wish for the means of honest labour in one whose crime has probably originated in a repugnance to engage in it while at liberty, is a hopeful sign in the newly committed offender, and is one of the leading characteristics and one of the noblest triumphs of a judicious and humane system of Prison Discipline."—*Third Report of the Inspectors—Home District.*

CHAPTER IX.

CLEANLINESS.—ITS EFFECTS.—ITS MORAL RESULTS ON CAPT. COOK'S CREW.—TESTIMONY OF BISHOP OF PETERBOROUGH.—DECENCY AND ORDER PROMOTED.—PRISONERS' DRESS.—NUMBER AFFIXED TO CONCEAL NAME.—THE CAP WITH PEAK CONCEALING FEATURES.—RECOGNITION OF PRISONERS PREVENTED.—ANECDOTES SHEWING THE IMPORTANCE OF THIS.—OBSERVATIONS OF INSPECTORS, BUXTON, DR. DODD.—EXTRACT FROM PRISON THOUGHTS.

IN the regulation of prisons it would be difficult to overstate the importance of cleanliness, and in the discipline of this gaol it is most strictly enforced. It has been stated that the prisoner, shortly after his committal, is subjected to a cleansing process in a warm bath, and provided with suitable clothing. So great is the change thus effected, that it is often difficult to recognize the offender. Care is also taken that by repeated ablutions this cleanliness of person shall be afterwards preserved ; and such is the improvement thus produced in the appearance, that many visitors have supposed our criminals are not generally from the lowest grade of society. The appearance, however, is of little importance compared with other good effects of personal cleanliness. Health is thereby promoted, and a close connection may be traced between the outward regard to purity,

and the mental and moral improvement. Often do the inspired writers imply the relationship, and our own divines, moralists, and poets have insisted upon it.

Mr. Howard, after enforcing this duty in the volumes from which we have so frequently quoted, adds—"Sir John Pringle, in his *Anniversary Discourse* at the Royal Society, on the subject of Captain Cook's successful care of the ship's crew in his voyage round the world, and the medal deservedly adjudged to him on that account, has the following passage:—'It is well known how much *cleanliness* conduces to health; but it is not so obvious how much it also tends to good order and other virtues. That diligent officer was persuaded, that such men as he could induce to be more cleanly than they were disposed to be of themselves, became at the same time more sober, more orderly, and more attentive to their duty.' This remark is confirmed by an observation in the *Spectator*, No. 631, 'Several vices, destructive both to mind and body, are inconsistent with the habit of cleanliness.' It bears a great analogy with purity of mind and naturally inspires refined sentiments and passions."

I extract the following from a paper written by the present Lord Bishop of Peterborough:—It is

* Extracted from the "Volume for a Lending Library," composed by his lordship, and published by the Society for Promoting Christian Knowledge. An instructive and entertaining book, adapted for prison as well as parochial libraries.

truly satisfactory to see that the Magistrates throughout the United Kingdom are so ably and actively directing their consideration to the improvement of prisons. Great pains are taken that the prisoners, besides the punishment to which they are condemned, shall not be exposed to the miseries of *filth and dirt*, foul air, and infectious diseases. Some persons are naturally led to fear that, by making a prison a place of comfort, the prisoners will have no dread of confinement, and that they will therefore not fear again to commit crimes which shall bring them back again to so agreeable an abode. Now this appears to be quite contrary to the fact. A thief has *no dread at all of dirt*, and filthy conversation, and idleness, and quarrelling, and swearing, and wicked companions, and gambling, and profligacy; and, in the midst of these habits, he will still continue to be a thief, and therefore, when he has once got out of a prison of the old kind, he very soon comes back again. But a thief dreads a prison on the new plan, for he hates the order, and regularity, and silence that he is obliged to observe. * * * All these things go so against him that he will, in future, do all he can to keep away from the walls of such a prison. * * * Whatever may be the cause, the fact is this, that the greater part of the prisoners, upon the old plan, come back again, and very few upon the new plan."

Nearly allied to personal cleanliness is order

and decency in the apartment; and in the cells of our prisoners this is most conspicuous. None who are acquainted with the homes of the criminal population can doubt but that the filth and confusion which there abound, if not the cause, yet tend to encourage and increase habits of profligacy and vice. An effort therefore is made to excite that disposition, and those practices, which may produce opposite effects; and I believe that the inspection of our prisoners' habitation must convince every one that the effort is to some extent successful. It is true that dirt and disorder would not be permitted, and if the cleanliness and regularity observable in their apartments did not exceed what is strictly enforced, no favourable inference as to the permanent habit could perhaps be drawn; but when there is observed a degree of neatness, and a careful arrangement, far beyond anything which regulations could exact, we may believe that a love of order is induced, and that a like regard for it will continue. .

Some observations on the dress of prisoners may now be introduced. It has been stated that those committed for trial are allowed to wear their own clothes, if they choose to do so, unless their preservation be necessary that the prisoner may be identified. If however, as is commonly the case, the accused prefer a prison dress, he is then furnished with all that may be required for his health and comfort. No such choice is allowed to the

convicted offender. Besides all linen which may be needful, he is provided with a suit of fustian or dark cloth,* and a change is given as often as may be proper for the purposes of health and cleanliness.

Thus whilst in the discipline of our gaol moral and religious duties are first enforced, other duties, and that of cleanliness in particular, are carefully encouraged, as needful for the preservation of health, and tending to improve the character. At the same time it may be observed, that in proportion to the mental and moral improvement of the prisoners, is an increased regard shewn by them towards such subjects of less, but not of little importance. A reciprocal effect is produced, as

—"From the body's purity, the mind
"Receives a secret sympathetick aid."†

So likewise—

"The mind's pureness has its operation
"Upon the body, clothes, and habitation."‡

There are two peculiarities in the prison dress which require a more particular description. There is attached to the left side of every prisoner's coat, a swivel, and when placed in his cell he is instructed

* Convicted felons were compelled to wear a parti-coloured dress, one half yellow, the other brown; this has been discontinued. It was a necessary precaution against escape when the prison was insecure, but as that is no longer the case, such a mark of degradation, which can have no corrective tendency, is not retained.

† Thomson's "Summer. ‡ Herbert's "Church Porch."

that he is never to leave it again during the period of his imprisonment without affixing to this a brass circular plate, on which are inscribed a letter and a number corresponding with those of his cell. He is also directed that during attendance at Divine service, and when receiving instruction in class, this must be suspended on a hook above him. The name of the prisoner is of course often known to the officers who hold frequent communication with him, but it is never mentioned in the hearing of the other criminals. By his number he is constantly designated. The prudence, foresight, and humanity of such a regulation might be thought too apparent to require explanation ; yet it has been the subject of mistake or misrepresentation. The only object aimed at, and the only end attainable by such means is to prevent either recognition by other prisoners ; or if the inmates had been previously unknown to each other, then to prevent an acquaintance being formed, which could afford no possible advantage, but might, and probably would, be followed by injury both to society and to the criminal himself.

There would, however, be little security against such recognition, and its consequent evils, effected by the mere concealment of the name, if the features of the prisoner were exposed ; a further precaution is therefore required.

In disguising even criminals, and although with a purpose so merciful and wise, it would have been

improper to subject them to present suffering either of mind or body, and unjust to inflict any permanent injury. It was politic and kind to invent if possible some means which might not prove offensive; and this has been most charitably and effectually accomplished. The prisoner on leaving his cell, and when in sight of others, wears a cap with a peak, so constructed as to hide the greater part of his face, but with holes which allow him to see with as much ease as when without this covering. This part of the prison dress is more particularly referred to in the subjoined report, and its purpose further explained. That such a provision is desirable, surely none can doubt, and that it is necessary for the good of the individual, and for the welfare of society, must be almost equally evident.*

* "As it is impossible for the prisoners to hold any kind of intercourse with one another, they are neither diverted from thoughts of repentance by the hope of conspiring together, nor deterred from honest industry on their release by the fear of recognition. If this good alone resulted from the system pursued here, its superiority to the Auburn Plan would be at once apparent. Amendment of life is no easy matter to a man whose good resolutions are thwarted by the solicitations of his former associates in iniquity, and their threats to expose him as a 'gaol-bird' if he refuses compliance. Much of the success of the Philadelphia Prison may be traced to the suppression of the name. The convict feels on his discharge that he is unknown; that the tie which bound him to his fellow-men is not entirely broken by scorn or distrust; and that he may yet be a respectable and useful member of society."—*Abdy's Residence and Tour in North America.*

Yet the most strange ideas have been formed, and representations made of this merciful provision. It has been compared to "the iron mask," by one whose political fears induced him to protest against it; and a criminal, afterwards glad to wear it, had as much dread of it as of the deprivation of sight. The case of this man was very worthy of notice, and strongly recommends the practice. I transcribe a note, made the day after his committal :—

"A prisoner, S. J., yesterday committed for trial, contrived to escape from the constable when near the gates of the prison; and after endangering his life by first jumping from a wall, and then plunging into deep water with his handcuffs upon him, was re-captured. On my enquiring this morning why he had thus hazarded his life, he answered, 'I had heard so much against this prison that I determined to run any risk rather than come. Besides other things, I was told that the *prisoners were blindfolded*.' Seeing he had the prison cap, I asked him, 'Why then have you chosen to wear that cap rather than your own hat?' He replied, 'Why sir, if this is all, I think it kind to let us have it. It would have been a good thing for me if I had worn a cap like this before when I was in prison, (he was aware I knew that he had been in the House of Correction at Abingdon), for I have found it a bad thing to be known as having been there. I have never been able to work at my own trade since, but have been only jobbing about. About six weeks ago I was working with others, and a man assaulted me and very much abused me about having been in gaol, and I should have had him up for the assault, but I was afraid that he would make it more known that I had been in prison.'"

Many more proofs might be adduced. Often have I been told by criminals, when re-committed,

that their former associates in prison were the cause of, and sometimes accomplices in, their subsequent crimes. I have described some cases in a former chapter (p. 70), as well as in the report annexed.* Surely the confession and statement there referred to—one shewing that a plan was formed in prison which led to the perpetration of an offence for which two lives were forfeited, and another describing results scarcely less fatal, must be proofs of the direful effect of prison acquaintanceship and consequent recognition, convincing to the most prejudiced. Other painful instances might be described; and I believe that the records of every large prison in which criminals are associated, may prove that the following observations, made with an especial reference to Newgate, are of general application:—

“ We found that prisoners, during the short time of their confinement, had made acquaintance with from twenty to forty other prisoners, most of whom they would know, and by whom they would be known, after their respective terms of imprisonment had expired. * * * In short, if a convict is not already lost to virtue, it is difficult to conceive in what manner his ruin can be consummated

* A nobleman having seen these narratives, kindly sent me the particulars of a similar case in which he had felt much interest. It was one of a young man who showed most promising signs of reformation, but was afterwards seduced by former companions in prison, and was recommitted for a most heinous crime.

more speedily than by thrusting him into such a prison as Newgate. * * * The community at large has, indeed, more reason to look with dread upon Newgate, than the prisoner who is committed to it; and, in many cases, it would be less injurious to society to keep an offender out of that prison than to put him into it, so long as the present inefficient system is adhered to.”—*Inspectors of Prisons—Third Report, p. 35.*

Of the truth of these statements the following narrative given by Sir T. Fowell Buxton, affords a painful illustration :—“ Many and very grievous are the instances which have come to my knowledge of persons corrupted by prison. When I first went to Newgate, my attention was directed by my companion to a boy whose apparent innocence and artlessness had attracted his notice. The schoolmaster said he was an example to all the rest, so quiet, so reserved, and so unwilling to have any intercourse with his dissolute companions. At his trial, he was acquitted, upon evidence which did not leave a shadow of suspicion upon him : but lately I recognised him again in Newgate, but with a very different character. He confessed to me, that on his release, he had associated with the acquaintances he had formed in prison—of his ruin I can feel but little doubt; *and as little of the cause of it.* He came to Newgate innocent; he left it corrupted.”

Few men have been so well qualified to describe the dreadful effects of prison acquaintanceship as

the unfortunate Dr. Dodd, who was confined three months in Newgate previously to his execution. In a letter to a friend, speaking of the benevolent Hanway, who about that time wrote a pamphlet in favour of Separate Imprisonment, he says—"I earnestly press him as a Christian and a man to pursue that improvement with zeal;—much, very much is to be done;—and while the state of Prisons remains as it is, the Legislature has some reason to charge itself with the greater part of the robberies, &c., committed: for the offenders for petty crimes are here hardened in almost every species of vice, and turned out necessary plunderers of the public, from the depravity of their unaltered disposition, and the deficiency of proper employment."

So forcibly does that talented criminal set forth the direful consequences of associating prisoners, that I am induced to insert rather a long extract from his "Prison Thoughts," feeling assured that the evils described are but little diminished by the classification which is now attempted. The description possesses the authority of an eye witness. It is the testimony of experience, given by one who had wisdom to discern the shocking consequences, and whose penitence disposed him to pity the wretched victims of such forced demoralization.

" ——— Hither come,

Ye sons of sympathy, of wisdom; friends
To order, to compassion, to the state,
And to your fellow-beings; hither come,

To this wild realm of uproar ! hither haste,
 And see the reformation—see the good
 Wrought by confinement in a den like this !
 View, and with eyes that will not hold the tear,
 In gentle pity gushing for such griefs,—
 View the young wretch, as yet unfledg'd in vice,
 Just shackl'd here, and by the veteran throng,
 In every infamy and every crime
 Grey and insulting, quickly taught to dare,
 Harden'd like them in guilt's opprobrious school.

* * * * *

Hear, how with curses hoarse and vauntings bold,
 Each spirits up, encourages and dares
 His desperate fellow to more desperate proofs
 Of future hardy enterprise ; to plans
 Of death and ruin ! Not exulting more
 Heroes and chiefs for noble acts renown'd,
 Holding high converse, mutually relate
 Gallant achievements worthy, than the sons
 Of plunder and of rapine here recount
 On peaceful life their devastations wild ;
 Their dangers, hair-breadth 'scapes, atrocious feats,
 Confederate, *and confederating still*
 In schemes of deathful horror ! Who, surpris'd,
 Can such effects contemplate, upon minds
 Estrang'd to good ; fermenting on the lees
 Of pregnant ill ; associate and combin'd
 In intercourse infernal, restless, dire ;
 And goading constant each to other's thoughts
 To deeds of desperation from the tale
 Of vaunted infamy oft told : sad fruit
 Of the mind's vacancy !—And to that mind
 Employment none is offer'd : *not an hour*
To secret recollection is assign'd ;
 No seasonable sound instruction brought,

PRISON DISCIPLINE.

for their thoughts, self-gnawing. Not the day
st and duty dedicate, finds here
st or duty; revel'd off, unmark'd;
e the others undistinguished, save
t's roar, and self-consuming sloth!
seful occupation none is found,
olent to emply their listless hands,
indolence fatigued! Thus every day

**Anew they gather guilt's corrosive rust;
Each wretched day accumulates fresh ills;
And horribly advanc'd, *flagitious* grown
From *faulty*, they go forth, tenfold of Hell
More the devoted children: to the state
Tenfold more dangerous and envenom'd foes
Than first they enter'd this improving school!" ***

* Dodd's Thoughts in Prison, p.p. 32, 33.

CHAPTER X.

PRISON DIETARIES.—OF PAST DAYS.—OF THE PRESENT.—
 SHOULD BE LIBERAL, BUT NOT EXCESSIVE.—SHOULD BE
 MORE REGULATED BY MEDICAL OFFICER IN PARTICULAR
 CASES.—EXCESSIVE ALLOWANCE TO JUVENILE OFFENDERS.
 —CRIME INDUCED THEREBY.—AN EXAMPLE.—DISPARITY
 OF DIFFERENT GAOLS.

MR. HOWARD, in the description of many prisons in his day, observes—"The allowance being so far short of the cravings of nature, and in some prisons lessened by farming to the gaoler, many criminals are half starved: such of them as at their commitment were in health, come out almost famished, scarce able to move, and for weeks incapable of any labour."—*State of Prisons*, p. 8.

Happily a system of corrective discipline is now adopted, under which no such cruelty is sanctioned, and from which no consequences so unjust result.

The following tables will afford information on this subject:—

DIETARIES.

CLASS No. 1.

Prisoners not exceeding Three Days.

	MALE.	FEMALE.
Breakfast and supper	1 pint of gruel	1 pint of gruel
Dinner.....	1 lb. of bread	1 lb. of bread

CLASS No. 2.

Convicted Prisoners exceeding Three Days, and not exceeding Fourteen Days.

	MALE.	FEMALE.
Breakfast and Supper	1 pint of gruel, 6 oz. of bread	1 pint of gruel, 6 oz. of bread
Dinner.....	12 oz. of bread	6 oz. of bread
	1 pint of soup per week, if at hard labour	1 pint of soup per week, if at hard labour

CLASS No. 3.

Convicted Prisoners exceeding Fourteen Days, and not exceeding Six Weeks to hard labour; and Prisoners not at hard labour, exceeding Fourteen Days and not more than Three Months.

	MALE.	FEMALE.
Breakfast and Supper	1 pint of gruel, 8 oz. of bread	1 pint of gruel, 6 oz. of bread
Sunday	1 pint of soup, 8 oz. of bread	1 pint of soup, 6 oz. of bread
Thursday....	3 oz. meat, 8 oz. bread, and } 8 oz. potatoes	3 oz. meat, 6 oz. bread, and } 8 oz. of potatoes
Tuesday		
Saturday		
Monday	8 oz. of bread, 1 lb. of potatoes	6 oz. bread, 1 lb. of potatoes
Wednesday ..		
Friday		

NOTE.—The soup to contain, per pint, 3 ounces of cooked meat without bone, 3 ounces of potatoes, 1 ounce of barley, rice, or oatmeal, and 1 ounce of onions or leeks, with pepper and salt. The gruel, when made in quantities exceeding 60 pints, to contain $1\frac{1}{2}$ ounces of oatmeal per pint, and two ounces per pint when made in less quantities. The gruel on alternate days to be sweetened with $\frac{1}{4}$ ounce of molasses or sugar, and seasoned with salt.

CLASSES No. 4.

Exceeding Six Weeks and not exceeding Three Months hard labour. No. 6, convicted Prisoners, not at hard labour, exceeding Three Months. No. 7, sentenced by Court to Solitary Confinement. No. 8, Examination or Trial. No. 9, Debtors destitute.

	MALE.	FEMALE.
Breakfast and Supper	1 pint of gruel, 8 oz. of bread	1 pint of gruel, 6 oz. of bread
Sunday	3 oz. of cooked meat, without bone, } 8 oz. of potatoes and } 8 oz. of bread	3 oz. of cooked meat, without bone, } 8 oz. of potatoes and } 6 oz. of bread
Thursday ..		
Tuesday ..		
Saturday ..		
Monday ..	1 pint of soup, 8 oz. of bread	1 pint of soup, 6 oz. of bread
Wednesday }		
Friday }		

CLASS No. 5.

Prisoners at hard labour, exceeding Three Months.

	Breakfast. MALE.	Breakfast. FEMALE.
Sunday.....	1 pint of gruel, 6 oz. of bread	1 pint of gruel, 6 oz. of bread
Tuesday	Dinner.	Dinner.
Thursday.....	4 oz. of meat, 1 lb. of potatoes,	3 oz. meat, 8 oz. potatoes,
Saturday	6 oz. of bread	6 oz. bread
Monday	Breakfast.	Breakfast.
Wednesday	1 pint of gruel, 6 oz. of bread	1 pint of gruel, 6 oz. of bread
Friday	Dinner.	Dinner.
	1 pint of soup, 1 lb. of potatoes,	1 pint of soup, 8 oz. potatoes,
	6 oz. of bread	6 oz. bread
	Supper the week, 1 pint gruel,	Supper the week, 1 pint of
	6 oz. bread	gruel, 6 oz. of bread

CLASS No. 10.

Punishment Diet, 42nd section Gaol Act.

	MALE.	FEMALE.
Breakfast and Supper	1 pint of gruel, 8 oz. of bread	1 pint of gruel, 6 oz. bread
Dinner.....	8 oz. of bread	6 oz. of bread.
Not exceeding 3 days	1 lb. of bread per day.....	1 lb. of bread per day.

It will be seen that a liberal allowance of wholesome food is granted to all the inmates of the prison, the quality and quantity being regulated according to the term of confinement.

The various dietaries have been the subject of repeated discussion. Justice and humanity, although never really opposed, have on this question appeared at variance. To supply the criminal with a portion, which the honest labourer can hardly by industry obtain, and equal to that which the innocent pauper is allowed, might seem to encourage offences; on the other hand, to withhold a sufficiency, especially under a system of imprisonment which has a tendency to depress,* would be inflicting injury both

* "I am sensible that persons confined, whose minds are depressed, need more food than such as are at liberty.—Howard.

present and permanent, and in all probability would prevent the efficacy of those means which now prove corrective. On the other hand, it must be observed that remorse and consequent depression is seldom lasting; and when it has given place to other feelings, certainly less food may be sufficient. Amidst difficulties of this kind it is perhaps most safe to regulate the diet of convicts only with reference to health, and as to quantity, irrespective of punishment. If this principle be admitted, it may be a question whether the food itself should not be so coarse as, although perfectly wholesome, to prevent self-indulgence, so that the prisoner, instead of eating to excess, should rather be induced to abstain from more than the calls of hunger require.*

"I have heard the observation how far a prisoner requires better food than a man out of gaol; imprisonment is very depressing, and the diet that would serve men when about their ordinary occupations will not keep them in health in prison.—*Evidence before Select Committee of Parliament.*

* I was pleased to observe, since the foregoing remarks were written, that the subject attracted the attention of the Law Amendment Society, and in a recent, very able report, it is observed:—"Prisoners fare infinitely better than paupers in the poor-house, or than persons of the same rank of life who support themselves by honest industry. This, surely, is an abuse which demands a speedy remedy. The provisions supplied to our convict population should be of the coarsest possible description, and only sufficient, either in quantity or quality, to preserve them in health; and, further, the same quantity and quality of food should be allowed in all prisons alike."

A dietary formed with reference to the duration of imprisonment, or according to any other plan which shall appoint rations to particular classes, must be objectionable in proportion to the number included in each class. Some individuals may and do feast, and grow fat to a degree inconsistent either with punishment or improvement, upon a measure scarcely sufficient for the sustenance of others. It is thought therefore that the system of prison discipline would be yet more perfect, either if food less palatable were provided, or if, as with Hospital patients, the Medical Officer should in every case apportion that quantity which the constitution or previous habits of the criminal might require. At present he may increase but cannot diminish the legal allowance. He should be permitted to do either. The latter, perhaps, with the concurrence of Visiting Justices. Evils which I must proceed to mention might thus be prevented.

None can doubt but that young offenders should be allowed a liberal diet, sufficient to preserve their strength and to promote their growth; but great is the evil attending their being fed to the excess which has been hitherto permitted in this and other prisons in which the Government Dietary has been adopted. It is incompatible with either punishment or improvement. Many of our juvenile culprits have never feasted upon such luxurious abundance before they entered the prison. Their appearance, in almost every case, after two or three months' confinement,

testifies to the truth of what is stated. They become gross, and instead of giving proof of that moral activity which distinguishes other prisoners, they receive instruction with a sleepy indifference, and commonly disregard advice. Under such circumstances correction is seldom effected. But the mischief is not merely negative. There is a positive inducement to the commission of crime in this misplaced indulgence. I have known many prefer the prison to the parent's home; and assign this as the simple reason, because the fare is better and more abundant. I will cite an instance in which crime was induced on this account. In my former edition of this work I referred to the case of a boy who had just at the time I was writing told me that he liked the prison more than his home, because he had "better food and more of it." The same boy has been guilty of a succession of crimes since. His parents are most respectable, though poor. He is again in gaol; and when re-committed I remarked how little he cared for the sentence against him. But on the following morning I was surprised to find that a brother, one year older than the former culprit, had been sent to the prison for an exactly similar offence, committed on the following day, and upon the same party. This caused me to make strict enquiry into the circumstances; and on questioning the elder criminal after some days' imprisonment, he frankly told me—"When my brother came out of prison before, he

said he would sooner be there than at home, for he had more good victuals, a pretty deal; and when he was sent again I thought I should not care if I was sent too." I have since ascertained from the Rector of the parish in which these offenders lived, that the boy, to his knowledge, had repeatedly expressed himself in the manner described.

In concluding this chapter I must express hope that ere long the dietary may be in every prison the same. That proposed by Government a few years since was thought by some magistrates, those of Berkshire amongst them, to be compulsory, and was therefore adopted: in other counties it was considered to be merely recommended, and was rejected. Hence the disparity which at present exists, and which may be in a measure estimated by the cost. In one County Gaol it amounts to within a fraction of £8; in another, it does not exceed £4.

CHAPTER XI.

HEALTH.—NECESSARILY ENDANGERED BY IMPRISONMENT.—LESS BY SEPARATE SYSTEM.—EVIDENCE OF AMERICAN INSPECTORS, DR. BACHE, DR. COATES, M. M. DE BEAUMONT AND DE TOCQUEVILLE.—A PHYSICIAN IN PRISON.—DR. COOMBE.—INSPECTORS AND PHYSICIAN OF THE BRIDEWELL OF GLASGOW.—COMMISSIONERS AND MEDICAL OFFICERS OF THE PENTONVILLE PRISON, OF PERTH, OF READING, ETC.

THERE can be little doubt but that sudden and great changes in the condition and habits of life must produce a powerful and, generally, an injurious effect on bodily health. When the practices of criminals are considered,—the self-indulgence and excess to which they are commonly addicted,—it could be no subject of surprise if the deprivation at once of all stimulants, and the depression attendant upon entire seclusion from congenial society, however calculated to reform the morals, should as respects the physical condition prove unfavourable. Should such be the necessary tendency, yet the duty of Legislators and Magistrates in awarding a punishment corrective to the morals, although perilous to the health, would be scarcely less evident. If humanity should incline to spare the offender, yet justice must require his punishment, and wisdom

must approve his correction. Penalties must be imposed, although effects not intended to aggravate should almost necessarily accompany them. Yet equity demands that the extent of punishment inflicted should be, as much as possible, known and definite. And although what may, humanly speaking, be termed the casualties of imprisonment, such as the loss of health, or similar accidents, must not frustrate the ends of justice, or interfere with the desired correction of offenders, still that penalty will be decreed with most satisfaction which is ascertained to be least dependent on circumstances, and least subject to such contingencies.*

* "There can be no doubt that the great change which occurs in the prisoner's way of life, when he, after having been at liberty, is shut up in a prison, must act powerfully both on his temper and his health. It remains then only to enquire whether perfect solitude has produced more injurious consequences to the health, than common imprisonment."—*King of Sweden—Punishments and Prisons*, p. 58.

Remarks similar to the above were made by the Minister of the Interior, when in June, 1844, he submitted the Bill for Separate Imprisonment to the Chamber of Peers:—"A state of imprisonment is, without doubt, in a certain degree, always prejudicial to health and longevity, as also to tranquillity of the mind—but that holds good with regard to all systems; it is an inevitable effect and consequence of punishment—it is one of its circumstances; and to satisfy the legislator, it is sufficient to know that Separate Imprisonment has not, in this respect, worse consequences than another mode."

If these premises be allowed, any objection against separate confinement on account of the imaginary ill effect on the bodily health must be removed, if it can be shewn that the injury in this respect is not greater than that produced by other systems of imprisonment ; but should it appear that cases of sickness and of mortality are much less frequent in prisons where criminals are separated than in those in which they are associated, then an argument, strong in proportion to the decreased number, is advanced in favour of punishment in the former.

We are led then to inquire what has been the physical effect of Separate Imprisonment, so far as it has hitherto been carried out. From the report of the Inspectors of the Eastern Penitentiary, it appears that the health of the inmates of that establishment has been better than that of criminals associated in other prisons ; and the assertion is corroborated by the Report of the Committee appointed by the State to visit that prison, wherein it is stated that “ A comparison of the bills of mortality of the Eastern Penitentiary, with those of several other prisons in the United States shows conclusively that the unbroken solitude of the Pennsylvania discipline does not injuriously affect the health of the convicts. At the Eastern Penitentiary, the deaths are 2 five-tenths per cent. ; at the Sing Sing Prison 4 per cent. ; at Auburn 2 per cent. ; and so on,—settling the question beyond the possibility of doubt, that as great a measure of health is preserved in the

Pennsylvania prisons as in other prisons elsewhere."

The following is an extract from the Report of the Physician of this Penitentiary :—" The peculiar mode of confinement, so far from being injurious to the health of the convicts, is generally beneficial, and forms a decided improvement in this particular, over the modes of incarceration pursued in other prisons."

Dr. Franklin Bache (a grandson of the celebrated Dr. Franklin, and Physician, first of the Walnut-street Prison, in which prisoners were congregated, and subsequently of the Philadelphian Penitentiary) observes—"That the mortality in the Eastern Penitentiary is only one-half of what it was in Walnut-street Prison ; and, upon calling to mind the class of persons who inhabit our penitentiaries, their loose habits when at liberty, the number of convictions which many of them have undergone before, it may reasonably be affirmed that their health is better, and that the mortality is less within the Penitentiary than without."

In a paper read a short time since at the Anniversary of the American Philosophical Society, Dr. Coates, a physician of Philadelphia, observes that the average mortality of the white convicts in the Penitentiary was less than that of the white inhabitants of the city and liberties of Philadelphia.

M. M. de Beaumont, and de Tocqueville, contrasting their own prisons in France with this and

like Penitentiaries, say—"The prison, the system of which is corrupting, is at the same time fatal to the life of the prisoners. With us one prisoner dies out of *fourteen* in the Maisons Centrales. In the Penitentiaries of America there dies on an average one out of forty-nine." In that of Philadelphia they met with an interesting case of an intelligent physician amongst the prisoners, to whom was entrusted the pharmacy, and whose testimony was most favourable.*

The testimony of an opponent may be yet more convincing, Dr. Coombe, who in a work previously written, had condemned the system of solitary confinement, gives the following as the result of personal inspection :—"We visited a number of the male convicts, who had been confined for periods varying from seventeen months to eight years, and their appearance did not indicate either bad health or mental depression.

With respect to the health of prisoners separately confined in the Bridewell of Glasgow, the Inspectors report—"This seclusion of the convict from the corrupting society of his fellow-prisoners is so com-

* "D. Mais n'avez-vous pas remarqué que l'emprisonnement solitaire fût nuisible à la santé ? En votre qualité de détenu et de médecin, vous êtes plus à même de juger cette question-là qu'un autre.

"R. Je n'ai point remarqué qu'à tout prendre il y eût plus de maladies ici que dans la société. Je ne crois pas qu'on s'y porte plus mal."

patible with the maintenance of his health, that the prisoners in this bridewell enjoy as good, if not better health, than those persons of the same class of life who are at large. During the year 1835, with an average of 339 prisoners, there were but two deaths, and not more than about twenty cases of sickness." And in 1847 the physician of this prison reported—"During the past year, as on previous occasions, there has been less ill health in the prison than among an equal number of persons in any class of society and in any locality in Glasgow out of prison."*

And in the last Report of the Commissioners of the Pentonville Prison, it is stated that "The general health of the prisoners has been most excellent during the past year, and it continues equally good up to the date of the present report. Upon a daily average of 456 prisoners, only fourteen cases of sickness of a severe character have occurred during the entire year. The cases of slight indisposition appear numerous, because in this prison there is a searching and minute inquiry by the medical officers in their weekly and monthly general inspections, into the state of health of every prisoner. The slightest ailment is attended to ; and every thing prescribed, even to a single dose of medicine, is recorded in the Medical Officer's Journal."

With respect to the mortality in the prison at Pentonville, surely an inference most favourable

* 12th Report, Insp. of Prisons.

must be drawn if it be shewn that it scarcely exceeds that of the most healthful portion of our soldiery. In the report on the mortality of troops, it is observed, that "the household cavalry, carefully selected, and, so far as can be ascertained, subject to no physical defect at enlistment, are better fed, better lodged, and have less onerous duties to perform than the great mass of the labouring population." The mortality of these troops is from 13 to 15 per 1000—that of the prisoners in Pentonville 15·70.

During the first year that the plan of separation was pursued at Pentonville, the number of cases of pulmonary consumption attracted attention, and the causes to which they were ascribed naturally excited much repugnance to the system. It is truly satisfactory that other causes have been discovered, and that with their removal the disease has almost disappeared. In the valuable article, Pentonville Prisoners, in the *Quarterly Review*, it is said—"Striking has been the diminution of consumptive cases from attention to suspicions as to their origin. From the opening of the prison to the termination of 1844, the annual mortality per 1000 from phthisis had amounted to 11·47. The physician, Dr. Owen Rees, suspected that the dusty trades carried on in the cells might have added to the chances of death by this disease. In 1845 measures were taken to guard against the supposed cause; in 1846 only four cases per 1000 of consumption occurred; and

in 1847 (up to the 20th of October) there has not been a single death from this terrible scourge.*

But beyond all evidence hitherto adduced, as to the general healthfulness of Separate Imprisonment, that afforded by the records of the Medical Officers of Reading Gaol, as shewing a contrast between former systems of punishment and that recently adopted, is most satisfactory. The following Table represents all the cases of criminals under medical treatment during three successive years of the associated and Separate System respectively :—†

	Prisoners associated.				Pris. in Sep. Con.			
	1840	1841	1842	Aver. 3 yrs.	1845	1846	1847	Aver. 3 yrs.
Number of Prisoners	720	633	665	672	683	664	877	741
Cases of Slight Indisposition	372	337	345	351	128	159	101	129
Infirmary Cases	85	86	70	80	8	8	13	10
TOTAL	457	423	415	431	136	167	114	139
Cases of Death	12	4	5	7	1	1	1	1

* The surgeon of the Perth county prison, in 1847, reported that bronchial disease was induced in that prison from a similar cause. He writes :—" The prevailing complaint in the prison is *bronchitis*, caused by the dust from the old ropes, which some of the prisoners pick, acting in cold weather upon the lungs. Sometimes the cases are serious." He adds, "The effect is worse when two or three prisoners are at work in the same cell."—*Insp. 12th Report*. Mr. Hill, the inspector, recommended in consequence that the employment should be discontinued.—*Id.* p. 67,

† In 1843, and 1844, prisoners were confined in Abingdon Prison during the re-construction of this Gaol; no return is therefore given of those years.

PRISON DISCIPLINE.

From the above figures it will be observed that under the present discipline the cases of slight indisposition scarcely exceed one-third; the more severe cases are but one tenth, and the number of deaths amount to but one-seventh of the average annual number under the former system of imprisonment. When it is remembered that the prison stands on the same site as the former, and is under the same medical superintendence, surely the foregoing statement, whilst most convincing, must gladden the heart of every friend to humanity, and cause those especially to rejoice who may have contributed by any means towards the establishment of a system, in this respect so merciful in its consequences. How cheering the contrast thus presented, not only to those pest-houses of former days which were the scourge of our land,

—“Breeding contagion, and disseminating death;” but likewise to those prisons of more recent date, in which the evil intercourse allowed, and the punishment inflicted, were to a frightful extent the cause of disease, wretchedness, and mortality!

CHAPTER XII.

MENTAL EFFECTS OF SEPARATE SYSTEM.—THE SOLITARY SYSTEM IN AMERICA INJURIOUS, BUT THE SEPARATE FAVOURABLE.—EFFECTS OF THE SILENT AND SEPARATE SYSTEMS CONTRASTED.—RESULTS IN ENGLAND ALL SATISFACTORY.—EVIDENCE OF SIR G. O. PAUL, MR. PERRY, COMMISSIONERS, CHAPLAIN AND PHYSICIAN OF PENTONVILLE.—COMPARISON WITH SOLDIERS.—EXTRACT FROM QUARTERLY REVIEW.—ATTEMPTS TO DECEIVE.—CASE OF FEIGNED MADNESS, ANOTHER OF PRETENDED SUICIDE.—RESULTS AT READING.

If the salutary effect of the introduction of Separate Imprisonment, as proved in the last chapter, may afford cause of congratulation, and must create the humane desire for the spread and prevalence of a system which preserves health of body, and which is therefore on the score of justice to be preferred as a punishment less contingent than others, I trust that if the discipline be shewn to produce an equally happy effect on the mind and on the morals of prisoners, the reader will feel an increased desire for its extension. It would appear to be unfair to institute a comparison between the unoffending population outside the gaols and the criminals confined within their walls ; because, irrespective of the excitement or depression which must attend punishment, there has often been in the very crimes which have led to in-

during the year, *and no case of insanity* has originated in the house within this time."

In contrast with the above statements, we may give one or two referring to the chief penal establishments in America, in which prisoners are still congregated :—

The Physician of the State Prison, at Auburn, in his report for the last year, states—"The gloom and despondency that affect some of the convicts from brooding over their situation, frequently enfeeble both mind and body ; and, if their confinement was unreasonably protracted, would eventually destroy life."

It is also observed by the Inspectors of the State Prison at Sing Sing, that—"No suitable provision is made for convicts *who become deranged* ; there is always a number of them in prison ; some are so when they arrive, having doubtless committed their offences while partially insane, *others become so while in confinement, being reduced to that condition either by disease or mental suffering.*"

The results of Separate Confinement in England have been in this respect equally satisfactory. In 1811, after the plan of separation had been pursued for several years in the Penitentiary House, at Gloucester, Sir G. O. Paul asserted—"No instance has occurred where solitary (separate) confinement has produced any derangement, or unfavourable effect on the mind."—*Evidence before Select Committee of the House of Commons.*

In his recent report, Mr. Perry, one of the inspectors of prisons, states :—" The places of confinement in the southern and western districts are eighty in number, of which seven are conducted on the Separate System. In the year from 29th September, 1844, to 26th September, 1845, the daily average of prisoners in the whole eighty places was 4361—in the seven on the Separate System it was 644. Thirty-seven prisoners were affected with insanity, in nine of whom the symptoms first showed themselves during the period of their imprisonment; *but of these nine not one occurred in the seven prisons on the Separate System.*"

I extract the following from reports of the Commissioners of the Model Prison :—" The mental condition of the entire body of the prisoners has been highly satisfactory. During the past year, (1845) and up to the present time, no case of insanity, hallucination, or mental disease of any kind, has occurred among the prisoners. This is the more remarkable and satisfactory, inasmuch as it has been ascertained, subsequently to their admission, that there existed an hereditary predisposition to insanity in the case of twenty-three of the prisoners received into the Prison. With reference to these prisoners the Chaplain states :— ' That there have been seven per cent. of prisoners admitted into the prison, from whom ' (on account of this hereditary predisposition) ' adverse effects

might have been expected ; but in whom upon the whole there has been considerable improvement.' ”

“ The Medical Officer remarks, with reference to the same cases :—‘ Several of these men who may be considered as hereditarily predisposed to insanity, had been many months in confinement before this part of their history was discovered, and are still under the ordinary discipline, having in no way betrayed a tendency to mental disease ; a fact going far to prove that the system of Pentonville Prison presents nothing in itself conducive to the developement of insanity.’ ”

“ He adds with reference to the prisoners generally —‘ There is a general improvement in manner and address, indicative of intellectual advancement, very strikingly shown among the prisoners who have been the longest in confinement ; and an increased alacrity and desire to excel in work is, in most cases, the early result of this system of confinement.’ ”

And the Chaplain of that prison, in his report, further states—“ The progress in knowledge has been great, beyond anything I have ever seen. But how there can be a great progress in knowledge, involving, as it does, the constant exercise of the intellectual powers, without the improvement of the mind itself, it is not easy to see.”

A more conclusive argument in favour of the system pursued at this prison could scarcely be desired than that afforded by comparing the cases

of mental disease in our regiments stationed at home and abroad, with the recorded amount among 1000 per annum here confined. While the annual ratio in the latter is 1.48, it is nearly one at home among the Dragoons; 1.43 in the Ionian Islands; 1.33 in Canada; and 1.41 at Gibraltar; so that it may be fairly said that the prisoner under Separate confinement suffers about as much as the soldier on the choicest spots of the Mediterranean, or in the bracing climate of Canada.* With reference to the cases thus compared, and a very small proportion "labouring under partial delusions," the Commissioners of the Pentonville Prison, in their report for 1847, say—

"We have evidence before us that other prisons afford examples of mental affections similar to those which have been just mentioned; and it is not unreasonable to suppose that, where there are long terms of imprisonment, and the prisoners are not allowed to associate with each other, such cases may occur more frequently than under other circumstances. At the same time it is right to observe, that in many of the cases which occurred at Pentonville the symptoms were no more than are frequently met with in private life, and were such as would probably have been overlooked without that strict scrutiny to which the Pentonville prisoners have been subjected; and it is worthy of notice that of 42 convicts, who are now reported by the chaplain as probably having had a predisposition to mental disease, not one became insane, and that the great majority were in a better condition when they left the prison than when they entered it."

* Quarterly Review, No. clxiii. 89.

PRISON DISCIPLINE.

Although cases in which, under the Separate System, the mind has been injuriously affected, are very rare, yet there has been so much said on the supposed tendency to produce insanity, that many criminals have become acquainted with the prejudice against it on this account, and have attempted to excite commiseration and to secure a mitigation of punishment by pretending to be deranged. Several such cases were described at the late Congress at Frankfort. Our own prison has likewise afforded an instance. A few months since, forty prisoners sentenced to be transported were brought from Milbank together to Reading Gaol. Concerning one of these, I extract the following note from my Journal :—" When accompanying the Visiting Justices this morning in their visits to the cells, one of the prisoners recently brought from Milbank earnestly begged that he might be allowed some work. This convict had during the last fortnight altogether rejected the instruction of the Schoolmaster ; and I therefore recommended that there should be no departure in his case from the plan which had been determined upon, namely, not to give manual labour to these convicts during the first month or six weeks. A further reason for my doing so, was that he had been reported from Milbank as "insubordinate." The relaxation of punishment which manual occupation affords, was not, therefore, allowed. The prisoner was told that he must give attention to instruction, and when he had made some progress,

other employment would be given. A short time after he became most refractory and feigned madness, acting in a manner most outrageous, and disturbing the whole prison by his noise. Decisive measures were adopted, a straight waistcoat, &c., was put upon him, and with the desired result. He begged pardon, promised to amend, and after remaining in his helpless condition about two hours, was released. The next day on visiting the prisoner in the adjoining cell, I enquired whether he had been much alarmed by the maniacal behaviour of his neighbour. His reply was—"Why, Sir, he made a great noise, but I was not much frightened about it, for when he was coming here in the train I was telling him what I had heard about this prison—*that it was like the model*; and he said, then he should know what to do, for *he would act mad*. So when I heard him I laughed to myself, and thought, well, you're a fulfilling your promise." When I questioned the offender respecting the truth of this statement, he at once admitted it, and expressed much sorrow for his folly. On a subsequent occasion, when I referred to his misconduct, he said, "To say the truth, sir, when I was in — Gaol there was a man under sentence of fourteen years' transportation, and he made them believe he was out of his mind, and got sent to an asylum; but he was no more mad than I was. However, sir, I found out it wouldn't do here." A still more recent occurrence

may teach us how much we may be deceived as to the motives and designs of prisoners. I give the following extract from my diary :—"Feb. 21, 1848. On coming into the prison last evening I was informed that a boy had hanged himself, but having been discovered by the warder, when giving the prisoners their supper, he had been cut down and was not injured. The account I had received of this boy from the Rector of his parish was, that he was an 'incorrigible liar.' And this character, combined with the knowledge of other circumstances, convinced me that it was a mere attempt to excite commiseration, and to obtain some mitigation of punishment. I determined, if possible, to ascertain the truth. I therefore visited him in his cell, and addressing him in a kind but decided tone, I said to him, 'I am not at all deceived by this : you have placed yourself in great danger, but you never meant to destroy yourself.' The boy was surprised and silent. Finding that he had been unsuccessful, he soon acknowledged his purpose, and described his plan. He had broken the gas-burner, and feared punishment would follow. To excite compassion, and so prevent that punishment, he had fastened his handkerchief to a pipe in the upper part of his cell, tied a slip knot for his neck, and his hammock being rolled up and placed on its end, he stood upon it, and when he heard the warder at hand, and about to open his door, he kicked away the hammock, and was found suspended and

in the condition which has been described. On my pointing out to him the guilt, as well as the danger he had incurred, he further declared that he never meant to kill himself. He thought if the warder did not open his door *then*, he would be sure to come *before he was dead*; for a boy he knew in the village from which he came had hanged himself to a tree for half an hour before he was seen, and when he was cut down he soon came to again. This happened about a month before he came to prison." Upon enquiry, I found that the fact referred to did occur at that time. I may add that this offender repeated his statement to the Governor, and begged his pardon."*

But as regards the favourable effect of separate imprisonment on the minds of those criminals who have been confined in Reading Gaol, it is believed that the facts stated in the Second Volume of this Work, and the evidence as to improvement there given, must be convincing. The entire absence of unfavourable symptoms in cases where the parentage or the previous habits caused mental aberration to be expected, the signs of intelligence which are shown, and the degree to which faculties before dormant are aroused and exercised, afford proofs, as positive as they are pleasing, that the system operates in the most beneficial manner on the intellectual powers of those subjected to its influence.

* A visiting justice of the county gaol at Stafford informed me of a case very similar to the above, which occurred in that prison not long since.

PRISON DISCIPLINE.

unless this be done, the whole process of discipline is a mere game of chance, or rather and abortive pursuit of an end without the means of any likely means. We do not think it possible to overstate the importance of bearing in mind this consideration. The efficacy of a sound system may be safely said to depend upon the accuracy and facility with which it discovers the temper and character of the prisoner, and upon the facility and effect with which it adapts itself to the exigency of the case. The endless diversities of human character require appropriate treatment.”*

The author of an interesting pamphlet on “Reformatory Punishments,” just published, observes on this subject, that—“As for every detail in a rule of action a specific adaptation in the agent is requisite, so no such adaptation is complete without an equally varied remedy for every possible interruption. Therefore, no code of remedies is perfect unless it be capable of particular application to all possible accidents to its subject—that is, unless it has a corresponding re-action on every possible action of the law it applies to. ‘A remedy,’ says Arnold, ‘in itself good for one particular symptom may do harm rather than good to the whole case, if applied alone ; or, if not mischievous, it may be inefficient.’ * * * Nor less erroneous must be the idea that punishment fit for men in one state must be fit for men in a different state ; or that

* Third Report, p. 9.

any general rules can be laid down for the proper character of punishment under all circumstances. Burlamaqui has observed that it is obvious, wherever laws are prescribed, there must be a fitness of agency, or they lose their application ; and a power to check resistance, or they lose their obligativeness. He adds—‘ And the same sort of punishment does not make the same impression on all kinds of people, consequently has not the same force to deter them from vice. We ought, therefore, to consider both in the general penal sanction, and in its application—the person of the criminal, and all those qualities which increase or diminish the sense of particular punishments.”

Varying and diversified as the feelings and characters of criminals are when first committed ; remorseful as many feel, yet rarely penitent, the disposition with which the prison is entered is little favourable to correction. Seldom perhaps is the first offence detected ; former crimes have been committed with impunity, and the offender has become depraved by their repetition, and so emboldened by escaping, that although he considers himself unfortunate at present, he is not at once discouraged. Thus far, too, he is hardened by evil counsel, and resolves accordingly not to allow himself to be cast down. Circumstances of this description acting upon the natural ignorance, pride, and other vicious propensities, commonly incline the in-coming prisoner to struggle against present

PRISON DISCIPLINE.

ine, and to refuse the means of moral reformation. Now if the culprit, in a state of mind unpromising, were placed with criminals alike, neither change of purpose, nor improvement, could reasonably be expected.

“Tis vain to seek in men for more than man.”

Every day proves the truth of what Archbishop Tillotson observes, that—“Men are first corrupted by bad counsel and company, and next they habituate themselves to their vicious practices.” And another acute observer of human nature has remarked that—“The temper, the sentiments, the morality of men, is so much influenced by the example and disposition of those they converse with, that the reflection has long since passed into proverbs, and ranked among the standing maxims of human wisdom.” Believing those proverbs, by the system pursued, the offender is at once separated from all who might applaud his folly, approve his vices, or encourage him to treat admonition with contempt; and is secluded in that silence which invites reflection, surrounded with objects which prove resistance vain, and visited by those only who enforce submission with kindness, whilst they minister to his wants, or give him suitable advice. The prisoner thus placed, is speedily subdued: and if not penitent at once, is soon prepared to welcome that instruction by which, it is hoped, repentance will be produced.

“ We hold it more humane, more heav’nly, first
By winning words to conquer willing hearts,
And make *persuasion* do the work of *fear*.”*

The means by which the criminal has been thus overcome are further worthy of notice. He is taught that neither force nor fraud can free him from restraint, and that obstinate perseverance in the course he had proposed, would but increase his wretchedness, and deprive him of relief. But how has this sense of helplessness, this subjection to authority been accomplished?—By what process has this needful preparation for future discipline been effected? Important as the first victory must be, yet it is sometimes achieved in a manner which can give no assurance of ultimate success. And in this moral contest such would have been the case had the spirit only been crushed by severity, or had the offender been reduced to a state of abject submission by means which debase the character, and even tend to brutalize the man. It is thus when the mind is subjugated by mere corporal punishment, and faculties are enfeebled, which however before abused, are yet capable of correction, and ought therefore to be preserved. Forcibly has this too long approved method of criminal treatment been represented and condemned by a recent writer on Convict Management:—

“ Men are not treated as rational beings, nor as beings endowed with passions which can be wrought upon for good

* Milton—Paradise Regained.

as well as for evil. In fact, it would appear that when a man is made a convict, he is robbed of all his claims to the attributes of a man ; he is no longer recognised as a reasonable creature ; he is considered devoid of all moral perceptions ; he has no longer any credit for possessing what is called natural feeling. He is an outcast, not only from society, but from the pale of manhood. He is considered to have lost all the sentient characteristics of his species. In a word, he is unmanned ; and if he be still allowed any place in the world of mind, it is only in that appertaining to the brute creation. ' Behold we put bits in the horses' mouths, that they may obey us,' and in like manner we seek to control the convict by lashes and brute force. Thus it is that we treat the work of God's hand. We deprive him of reason, when God has not done so. We render him incapable of virtue, when God has rendered him capable of it ; for the obedience which is extorted by violence, being manifestly a compulsory obedience, is not the act of a free, moral agent, has no charm, has no intrinsic value, is no virtue at all. Any set of men in the world then, would be ruined by this management : it may be safely said that even the most virtuous and intelligent in the kingdom would speedily be destroyed by it. It is notorious in the penal colonies that the new arrivals are much better generally than the older prisoners, though they speedily acquire all their ways. But such an ascendancy is given to all evil in the management to which they are after their arrival subjected ; such fetters are thrown by it over all good ; such scope is afforded for the developement of bad passion ; so narrow is the sphere for every virtue except submissiveness, not in itself a virtue at all, but rather a weakness, preparing for evil influence as much or more than for good direction ; that the real nature of the result cannot be doubted. There may be a question of degree, but certainly not of kind."*

* Captain Maconochie.

The very opposite to such a course is that to which the prisoner, under the separate system, is subjected from the time of his committal. His humanity is remembered. Even in the criminal we recognize this truth :

*"Pronaque cum spectent animalia cætera terram,
Os homini sublime dedit: cælumque tueri
Jussit, et erectos ad sidera tollere vultus."*

No means are employed which might tend to sink him in the scale of creation ; but on the contrary, regarding him as frail and fallen, an effort is made to raise him from present degradation, and to preserve him from future disgrace. The plan pursued in this respect, and how much it is the reverse of that just described, is thus stated by one who carefully examined its operation in the Philadelphia Penitentiary :

"There is nothing humiliating in solitary confinement. The interests of society are protected by the removal of the criminal, while the new circumstances in which he is placed are precisely the most favourable for moral improvement. It is the numerous temptations of the world,—the scope which it affords for the gratification of strong passions, that overpower the better principles implanted in the heart of the most depraved of mankind. Remove these temptations,—place the criminal in a situation where there are no warring inferences to mislead his judgment,—let him receive religious instruction, and be taught the nature and extent of his moral obligations ; and when after such preparation he is left to reflection and communion with his conscience, all that human agency can effect, has probably been done for his reformation. Solitary Confinement contributes to all this. It

throws the mind of the criminal back upon itself. It forces him to think who never thought before. It removes all objects which can stimulate the evil passions of his nature. It restores the prisoner to society, if not a wiser and better man, at least undegraded by a course of servile submission :—his punishment has been that of a man, not of a brute. He has suffered privation but not indignity. He has submitted to the law and the law alone, and whatever debasement may still attach to his character, is the offspring of his crime ; not of its penalty.”*

In the treatment thus briefly described, what a contrast is presented to that system of prison companionship which almost necessarily corrupted all but the most abandoned, whilst even such became, if possible, more depraved amidst associates who encouraged their vices and induced them to glory in their shame.

“ Hear how those veterans clank,—ev’n *joyal* clank
“ — Such is obduracy and vice,—their chains !”

Such a proof of human degradation appears to have excited astonishment in the author of the *Prison Thoughts* ; but in a note on the above lines he tells us that “ he alludes to a fact equally singular and disgusting. The rattling of their fetters is *frequently*, and in a wanton manner, practised amongst some of the worst offenders for an *amusement*, and to shew their *insensibility to shame*. How shocking to see human nature thus in ruins ! Here it is emphatically so, worse than in *Bedlam*,

* *Men and Manners in America.* Capt. Hamilton.

as madness with reason is more dreadful than without it!"

Captain Marryatt, in his description of the American prisons, quotes from a work written by a man who had been associated with other prisoners in the House of Correction at South Boston—"Some of them spoke of the felonies for which they were adjudged to suffer with as much *nonchalance* as if they were the every day business of life, without scruple and *without shame*. Many had groans and oaths for a lost dinner, a night in the cells, or a tough piece of work, but none had a tear for the branding infamy of their conviction. Their apathy on the point of honour was amazing. A young man, not twenty-five years old, in particular, made his felonies his glory, and boasted that he had been a tenant of half the prisons in the United States."*

Instead of encouraging such shameless demoralization by associating criminals—a plan most calculated to efface every feature of rectitude, to extinguish any regard for character, and to out-root any principle of *self-respect*, all means are adopted under separate confinement to cherish and increase that motive, which if rightly directed, is a virtue, effective in preventing evil, and powerful as an incentive to honesty and uprightness. Hence, therefore, when the prisoner is first placed in his cell, and subjected to penal discipline, it is thought important to excite a feeling of shame, and to convince him

* Diary in America, Vol. ii. p. 288.

PRISON DISCIPLINE.

These means pursued to prevent recognition, by substituting a number for his name, and concealing his countenance, are kindly intended to preserve him from that ignominy and future disgrace, which must otherwise be the sure consequence of his imprisonment. It has been observed by an interesting writer on the Spirit of Laws, that the Valerian Law, which prohibited magistrates from using any violent methods against a citizen that had appealed to the people, inflicted no other punishment on the person who infringed it, than that of being reputed a dishonest man;* and it never was observed that this step did any manner of prejudice to the civil administration. Nature has given shame to man for his scourge, and let the heaviest part of the punishment be the infamy attending it.† Recourse to the same powerful motive is strongly urged by Locke, in his work on Education. “If by these means (desire of reputation, &c.) you can come once to shame them out of their faults, for besides that I would willingly have no punishment, and make them in love with the pleasure of being well thought on, you may turn them as you please, and they will be in love with all the ways of virtue.”‡

The origin of this principle, and its powerful effect is thus represented by another acute philo-

* “Nil ultra quam improbe factum adjecit.”—LIVY.

† Baron de Montesquieu, Book vi. chap. 11, sec. 12.

‡ Section 58.

sopher—"The All-wise Author of Nature has, in this manner, taught man to respect the sentiments and judgments of his brethren; to be more or less pleased when they approve of his conduct, and to be more or less hurt when they disapprove of it. He has made man, if I may say so, the immediate judge of mankind; and has in this respect, as in many others, created him after his own image, and appointed him his vicegerent upon earth, to superintend the behaviour of his brethren. They are taught by nature to acknowledge that power and jurisdiction which has thus been conferred upon him, to be more or less humbled and mortified when they have incurred his censure, and to be more or less elated when they have obtained his applause."* Many of our standard Divines also assert the efficacy of this preventing and corrective principle: thus Bishop Butler observes that—"The original tendency of shame is to prevent shameful actions."† And Barrow has remarked that—"Those whom neither the advice of friends has amended, nor the sword of the Magistrate reformed, shame alone has sometimes possessed with a sense of their crime; and when all other good motives have been invalid, this one has been admitted with success."‡

If then the desire of fair reputation, and the dread of infamy be thus effectual, surely benevolence and

* Smith's Moral Sentiments, Part III. chap. 2.

† Upon Human Nature, ser. i.

‡ Sermon on the Fruitlessness of Sin.

sound policy must approve a system which tends so much to promote those principles. At the same time it must be remarked that penal treatment which unnecessarily exposes a criminal to the *perpetual punishment of disgrace*, and thus exceeds the term of suffering which the law decrees for his offence, if not positively unjust, is certainly cruel, opposed to the design of his imprisonment, and impolitic.* It is cruel because the liberated culprit, thus branded, becomes an outcast, to whom means of support by honest industry are refused. He is reduced to the condition of a hopeless pauper ; often his alternative is to steal, or almost starve. Such continued degradation is contrary to the spirit of English law, which its best expositors assert is not vindictive, nor merely exemplary, but designedly corrective in its penalties. Presuming therefore that correction has been accomplished during the determined period of incarceration, surely the punishment ought not to be prolonged by a stigma which might be avoided. Nor can the needless reproach be defended as judicious, since, however much the monitory nature of punishment might be thus increased, yet the supposed advantage of deterring others from offending

* Le déshonneur perpétuel attaché à une peine temporaire nous semble peu compatible avec l'objet du système pénitentiaire, et nous ne savons pas comment on réveillerait des sentiments d'honneur et de vertu dans des âmes que la loi elle-même a pris soin de dégrader et d'avilir."—*Du Syst. Pen. Deux. P. ch. ii.*

by such means will not counterbalance the certain ill-effects of that constant temptation to which the released criminal must be exposed; and of that contamination which would necessarily result from his return to a life of idleness and crime.

Referring to prison association, the author we have before quoted on this subject, observes—"Any lurking sense of moral dignity is destroyed. Each individual is not only degraded in his own eyes, but in those of his companions; and it appears impossible, that a criminal once subjected to such treatment, should ever after be qualified to discharge, with advantage to his country, the duties of a citizen."*

The following statement by the Chaplain to the House of Correction at Preston, tends to prove such an opinion correct:—"The prison once entered, the dread of it formerly entertained, now appears to be groundless; and the culprit finds himself surrounded by those who make him *ashamed* not for *what* he has done, but for the *little* that he has done! I have seen children who, upon the first day of their imprisonment, were crying with shame and apprehension, become in 'a little week,' careless and indifferent, reckless and turbulent; and I have seen, in too many instances, such children committed again and again upon charges of felony, and eventually sentenced to transportation. Two boys, committed for their first offence, were confined in the same yard

* Major Hamilton.

PRISON DISCIPLINE.

two daring and long practised thieves. The two were transported, the two former sentenced to a weeks' imprisonment : they were soon re-committed, however, for fresh offences, having in the mean time assumed the names of the two convicts who had been the object of their depraved admiration ! I have more than once seen a young prisoner, upon his recommitment after a short liberation, enter the chapel, the morning after his arrival, with a kind of swagger, glancing towards his old companions with an air which exhibited much *less of shame than of triumph.*"*

* Report, 1845.

CHAPTER XIV.

JUSTICE OF PUNISHMENT SHEWN TO CRIMINALS.—CORRECTIVE DESIGN EXPLAINED TO THEM.—SUCH KINDNESS CORRECTIVE IN ITSELF.—EXAMPLES GIVEN BY MRS. FRY AT NEWGATE, AND BY M. SURINGAR AT MUNICH.—SENTENCE OF CRIMINAL SHOULD BE STRICTLY EXECUTED.—OPINION OF ADAM SMITH.—THE SUPREMACY OF THE LAW.—HYPOCRISY DISCOURAGED.—REFORMATION OBSTRUCTED BY UNCERTAINTY.—PUNISHMENT LESSENERD BY IMPROVEMENT.—AN ILLUSTRATION.—OPINION OF BECCARIA, BISHOP SHERLOCK, ARCHBISHOP SANDYS.—CASE OF DR. DODD.—PROPRIETY OF HIS EXECUTION.—PARLIAMENTARY EVIDENCE.—REAL CHARACTER KNOWN WITH DIFFICULTY.—SUBMISSION NO TEST.—OPINION OF GOVERNOR OF SING SING PRISON.—DR. DAVID.—AN ILLUSTRATION.—CORRECTION REQUIRES TIME.—SHOULD PRISONERS BE ASSOCIATED AS A REWARD?—OBJECTIONS STATED.

THE purpose of his imprisonment, and of the discipline to which he is subjected, having been thus far explained to the prisoner, it is thought important to point out the propriety and justice of that penalty which has been adjudged. A task which, notwithstanding the extreme ignorance of many criminals, may generally be accomplished if attempted with caution and kindness. An appeal to the conscience enlists that in the effort to convince the understand-

ing. The guilt being admitted, the necessity for punishment, both as a preventive to future offences, and as a warning to others, is generally allowed. Yet none but those who hold frequent intercourse with convicts can be at all aware how seldom the design of their imprisonment is considered by them. They know that they have offended, and will often acknowledge their guilt ; but “so have others as much as they, and it is only through ill luck that they have been detected, or for some spiteful purpose that they are punished.” Thoughts like these spontaneously occupy the mind ; but the connection between the crime and its penalty must be pointed out, or it will not be perceived ; must be explained, or it will be no subject of consideration ; and it is improbable that any corrective effect should be produced unless this relationship be regarded. On the contrary, the culprit looking upon his condition as the result of misfortune or malice, and not of his faults, will neither recognise the right of any to inflict his punishment, nor feel desire to profit by it. Supposing himself the victim of legal vengeance, his enmity towards the law itself, and repugnance to the morality it enforces, are on that account increased.*

* “ Let us consult the human heart, and there we shall find the foundation of the right to punish ; for no advantage in moral policy can be lasting, which is not founded on the indelible sentiments of the heart of man. Whatever law deviates from this principle will always meet with a re-

If the endeavour to prove the punishment deserved be successful, (and I may repeat that the effort seldom fails under a system which admits of much converse with individuals, preventing that intercourse which might counteract such an attempt) an important step is gained towards convincing the prisoner that his own welfare, not less than the advantage of society, is sought by the sentence of the law—that, although on account of his own folly and offences, punishment must be inflicted, yet his improvement is most desired. More than words, however, will be required to convince one of this, who has probably through life been a stranger to kindness, and subjected to constant severity. The treatment and manner must correspond, or the assertions will not be believed. The following observations of Howard shew his knowledge of human nature not less than his philanthropy:—"Gentle discipline is commonly more efficacious than severity; which should not be exercised but on such as will not be amended by lenity. * * * The notion, that convicts are ungovernable, is certainly erroneous. There is a mode of managing some of the most desperate, with ease to yourself, and advantage to them. Many of them are shrewd and sensible:

sistance, which will destroy it in the end; for the smallest force, continually applied, will overcome the most violent motion communicated to bodies."—BECCARIA—*Essay on Crimes and Punishments*, chap. 2, p. 8.

manage them with calmness, yet with steadiness: shew them that you have humanity, and that you aim to make them useful members of society."* Very little experience must also ensure assent to the following remarks :—

" Sound philosophy urges us to employ benevolent agencies in the management of criminals. Those who look only at the natural adaptations of the human mind, and study the laws by which it is governed, will tell us that by sympathies, and not by antipathies, man's spirit may be controlled, and his actions regulated. It belongs especially to the philosophy of the nineteenth century to demonstrate the superiority of moral force to physical violence, when rational beings are to be controlled. We have already been satisfied, that the power of persuasion will do more than the power of coercion in the case of *maniacs*. Let us not be backward in acknowledging its superiority in its own legitimate province—the regulation of beings possessed of reason, and capable of moral aspirations. Let the *reformation* of convicts be made an object of primary importance. Let penal settlements be regarded as hospitals of the mind, as schools of moral and religious training, where, though the inmates may be subjected to severe suffering, or to rigorous discipline, yet it is made manifest that all the treatment is conducive to ultimate recovery, to the positive well-being of the individuals whom it affects."†

The powerful effect of kindness upon the mind of the prisoner may be in great measure accounted for by considering the previous circumstances of most criminals. Poor, ignorant, and vicious, they have

* State of Prisons, p. 47.

† Benevolence in Punishment, p. 53.

been the objects of contempt, suspicion, and cruelty. To compassion they have been strangers ; and the language of sympathy has been to them unknown. Words of pity, and wishes for their welfare, have been so seldom heard that they awaken feelings which have long slumbered, if ever before called forth. To harshness they have been long accustomed, and they have learnt to resist it effectually. Its power is past, and it now produces no impression. But let this new and hitherto unknown element be applied, and its influence is felt. His crimes and his calamities have both tended as yet to harden. Laden with guilt he looks for severity, and has been taught to sustain it. But let him be surprised by kindness instead, he is then subdued and softened, and that access to his heart is obtained by which his reformation may be accomplished.

Mrs. Fry, after several years' experience, recommends a similar plan—

“ There is one great encouragement to persevere in the care of prisoners, and in forming proper arrangements for them, that in the best regulated gaols the returns are small indeed in comparison of what they are in others, and even in Newgate, as far as we have been able to calculate from the information received from the former governor of the prison, a very small proportion return to the women's side, in comparison to the number before we had the care of them. I believe kindness does more in turning them from the error of their ways than harsh treatment, and that many a poor creature claims a compassion and a tenderness that is little known but to those who visit prisons, as there are many of whom it

may be said, that they were driven into guilt, and only want the way to be made open to return with joy into the paths of virtue.*

It is according to this law of kindness that the inmates of our prison are governed, and to this cause must be ascribed that cheerful submission and evident good feeling with which appointed duties are performed. Compulsion and severity are but little required.

Many proofs of the influence obtained over prisoners by reason rather than by force, might be described. The following interesting facts, narrated by M. Suringar, at the Congrès Pénitentiaire, at Frankfort, shew the power over his prisoners, which, by combined firmness and kindness, had been acquired by the director of the Maison de Force, at Munich :—

“ A notorious prisoner, I believe a murderer, formed a plan of revolt ; he excited his companions to resist the director, and to care for nothing. The director was informed of this : he assembled all the prisoners in a great court ; he then arranged them in a circle, placed himself in the centre, and addressing the refractory prisoner, he said to him—‘ I know your wicked designs ; I know what terrible menaces you have uttered. I fear you so little that I do not think it worth the trouble to punish you. If you desire to persist in your base inclinations, you will find in me your man. But if you choose to conduct yourself well, you will find me also well disposed towards you. Choose the course that you will pursue.’—This fierce man is subdued. From that moment he conducted himself as an obedient child. This seditious man is become the most orderly of prisoners.”

* Mrs. Fry's Life, Vol. i. p. 448.

Would you have another example—

“The prison of Munich was in danger of becoming a prey to the flames. To procure the means of extinguishing them they could not wait for the assistance of the military. The neighbouring houses were already on fire. The flames would have immediately reached the prison. Obermayer (the director) made an energetic resolution. He opened the doors of the rooms and wards; he threw open the gates of the prison. He took with him into the street two hundred prisoners. He led them to a stream near, and arranged them in file to convey the water. Alone, yes alone, he superintended them. As their paternal leader he said, come my children, quench the flames. They did it. Every one of the two hundred prisoners returned with him, and amongst them there were eight condemned to imprisonment for life.”

It must not, however, be supposed that any relaxation of the punishment itself to which the criminal has been sentenced, is allowed. Firmness is maintained : * justice is regarded as inflexible in

* “We frequently have occasion to confirm our natural sense of the propriety and fitness of punishment, by reflecting how necessary it is for preserving the order of society. When the guilty ceases to be an object of fear with the generous and humane, he begins to be an object of pity. They are disposed to pardon and forgive him, and to save him from that punishment which in all their cool hours they had considered as the retribution due to such crimes. Here, therefore, they have occasion to call to their assistance the consideration of the general interest of society. They counter-balance the impulse of this weak and partial humanity by the dictates of a humanity that is more generous and comprehensive. They reflect that mercy to the guilty is cruelty to the innocent, and oppose to the emotions of com-

its demands : nor are its claims in any measure sacrificed because the penalty is more cheerfully paid. That mitigation of punishment which judicious and kind treatment must necessarily occasion, is the result of the good conduct which is thereby induced ; any advantage therefore which is on that account derived, may have a corrective effect, and render the improvement of character permanent.

The foregoing remarks lead me to observe that since no alteration in the means of punishment is permitted, and as painful discipline can be less severely felt only through the proper demeanour of the convict, so it is desirable that he should be informed of this fact ; and yet more important that he should be assured no change can take place as respects the *duration* of his imprisonment. There is evident wisdom and justice in a law which allows the term of confinement to be shortened under peculiar circumstances, such, for instance, as the discovery subsequent to conviction of facts tending to invalidate some testimony, upon the belief of which the verdict was returned, and judgment decreed ; or if extenuating circumstances, which could not previously be adduced, should afterwards be clearly shewn. But unless such, or some cause alike forcible be alleged, no change in the sentence pronounced should ever be permitted. The certainty

passion which they feel for a particular person a more enlarged compassion which they feel for mankind."—*Smith's Moral Sentiments*, part 2, sec. 2, chap. 3.

that such a sentence will be strictly carried out is not more necessary for the security of the state than for the welfare of the convict. The punishment is that which the law has provided, and it is disastrous alike to the public and to the prisoner when the sovereignty and supremacy of the law is disallowed and set aside. Neither power nor pity should frustrate its purpose. It must to the vicious appear inflexible, or its penalties will not be feared. It must by the criminal be viewed as unchangeable, or it will not be corrective. Surely we must acknowledge that Solon was wise, not only in cancelling the sanguinary laws of Draco, but in requiring certainty in the execution of a milder code, and in not suffering either the caprice, the compassion, or the power of the administrator to lessen the penalties it imposed. In this he taught the chief safety of the state to consist—if the citizens obey the magistrate, and the magistrate the laws. Numerous and most mischievous would be the evils engendered by allowing the criminal to suppose that the period of his imprisonment would be regulated by his outward conduct and apparent improvement. Without venturing an opinion on the policy of such a course in the case of transports,* or convicts sentenced to a long continuance of punishment, where time may

* In a pamphlet on *Convict Management*, Capt. Macnochie, late Superintendent at Norfolk Island, recommends that instead of any fixed term, the duration of punishment should depend on the conduct of transported criminals.

The superiority of the system pursued in another respect connected with this question must be noticed. Whilst in similar establishments, where prisoners are associated, any improvement of character increases the painful situation of the penitent, by insuring ill-will and persecution from companions; on the contrary, when in separate confinement the culprit finds relief, secures peace of mind, and a general lessening of punishment in exact proportion to his attention to those means whereby his present and permanent reformation may be effected.* Amendment therefore provides

often prompt the most kind to commit this error, little considering the sad consequences entailed.

* Tranquility being obtained by means of mental and moral improvement, other sources of innocent recreation will be discovered, and tend to mitigate punishment. The author we have repeatedly quoted observes that—"In the confinement and solitude of the Bastile, after a certain time, the fashionable and frivolous Count de Lauzun recovered tranquility enough to be capable of amusing himself with feeding a spider. A mind better furnished would, perhaps, have both sooner recovered its tranquility, and sooner found, in its own thoughts, a much better amusement.—*Adam Smith*.

M. M. de Beaumont and de Tocqueville, in the appendix to their work on the American prisons, (p. 301) report the following conversation with a prisoner at Philadelphia, who had been eighteen months in separate confinement, and had been previously in prison associated with other convicts.—"Q. Do you find the discipline to which you are subjected as severe as it is said to be. A. No; but this depends upon the disposition of the prisoner. If he misconducts himself, he falls

its own reward. The sentence, which we presume in all cases was not more severe than justice demanded, is fully carried out; and since it was *unconditional*, and was imposed for the very purpose of correcting, its design is *satisfactorily* accomplished.

The opinions expressed are justified by an authority before quoted, Beccaria observes that, "As punishments become more mild, clemency and pardon are less necessary. Happy the nation in which they will be considered as dangerous! Clemency, which has often been deemed a sufficient substitute for every other virtue in sovereigns, should be excluded in a perfect legislation, where punishments are mild, and the proceedings in criminal cases regular and expeditious. This truth will seem cruel to those who live in countries where, from the absurdity of the laws, and the severity of punishments, pardons, and the clemency of the prince, are necessary. It is indeed one of the noblest prerogatives of the throne, but, at the same time, a tacit disapprobation of the laws. Clemency is a

into a state of irritation and despair; but if on the other hand he is conscious of the advantages he can derive from it, it does not seem insupportable. Q. You have been before in prison in Walnut-street? (on the Auburn system.) A. Yes, sir; and I cannot imagine a worse den of vice and crime. It requires but a few days for a person not very guilty to become a thorough scoundrel. Q. Do you think the penitentiary superior to the old prison? A. That is as if you were to ask me whether the sun is superior to the moon.

virtue which belongs to the legislator, and not to the executor of laws ; a virtue which ought to shine in the code, and not in private judgment. * *

Let, then, the executors of the law be inexorable, but let the legislator be tender, indulgent, and humane." *

The same argument is supported by a venerable Prelate of our church:—"Consider what are the pleas for mercy: do they not arise from the circumstances of the person, or the action, which show that the law is too hard in his case, and that he ought in reason to be eased from the extremity of the law? But had all these circumstances been weighed in the first judgment, and justice adapted to the very merits of the case, all the pleas for mercy had been prevented, and consequently there had been no room for mercy; for mercy without reason is a mere effect of arbitrary power, and not of goodness." †

Perhaps greater exertions were never made to save a convict from the extreme penalty of the law than those put forth on behalf of the notorious Dr. Dodd. Yet whilst we must deprecate the law which consigned the forger to the scaffold, and rejoice that one so sanguinary no longer stains our code, who does not see the justice, and approve the foresight which forbade the extension of mercy towards that distinguished victim! To have mitigated the penalty

* Crimes and Punishments, Chap. xlv. p. 176.

† Bishop Sherlock, Discourse xl. part 2.

by an alteration of the law, would have been an act of mercy ; but to have violated the law by pardoning one who had so inexcusably incurred its punishment, would have been cruel towards many. Had he been spared, what numbers would have presumed ! Never, perhaps, did the sacrifice of a guilty life save so many from an ignominious death. Not that the vicious are deterred by severity, nor always by certainty of punishment. But though offences may be seldom prevented by any mere *penalty* which the law may threaten ; yet they are fearfully encouraged if its decrees are changed. In the conduct then of the sovereign who would not, in the case of that memorable man, allow the pleas of pity to endanger the innocent, or to dishonour the law, surely we have a pattern for princes—an example for magistrates who may be disposed to compassionate the criminal to the detriment of society, to mitigate penalties so as to induce crimes, or so to shorten imprisonment as to prevent its corrective purpose.

The fathers of the Christian Church, and the reformers of our own branch of it, forcibly teach the same truths. Thus Archbishop Sandys, in a sermon preached before the Queen,* observes with no more quaintness than truth, “ Moses was a worthy magistrate : and his greatest commendation is, that he was no less sharp and severe in God’s cause, than mild and gentle in his own. Princes are God’s lieutenants : His person they bear, and

* Parker’s Soc. Edit. p. 147.

His image they must resemble. In Him both justice and mercy are joined together. 'I am the Lord which shew mercy, judgment, and righteousness upon earth.'" "Mercy without justice is not mercy but folly," saith St. Chrysostom.* And St. Augustine saith, "As it is mercy sometimes to punish, so sometimes to spare is cruelty."†

Of such advantage must be a system of imprisonment which, as respects the punishment, adjusts itself to the improvement it effects, thereby affording to good conduct a recompence both immediate and future, and which thus prevents all necessity for recourse to means which are almost irresistible temptations to dissemble, and as surely obstacles to correction, that some further remarks on a point of so much importance it is hoped may not be tedious or unprofitable.

The following important statements on this subject were made to a Committee of the House of Lords in 1835, by the Chaplain to the Penitentiary, at Milbank :—"I beg to correct one or two answers that I gave before the Committee of the House of Commons, in 1831. I have had four years' additional experience since that time ; I had been then

* Si autem contempta justitia misericordia observetur, ipsa misericordia, non est misericordia, sed fatuitas. Nam justitia non est vera justitia, nisi habuerit in se et misericordiam ; sic et misericordia non est vera misericordia, nisi habuerit in se justitiam.—*Chrysostom.*

† Sicut enim est aliquando misericordia puniens, ita et crudelitas parcens.—*Augustine.*

only one year Chaplain to the Penitentiary. 'The punishment I propose, and which is also used in the Penitentiary, is that the length of the imprisonment should depend upon the conduct of the prisoner. I think this is one of the best modes of punishment.' It is with reference to that opinion I wish to correct my evidence. I consider now that a much greater evil is done by changing the sentence in any way with reference to supposed good or bad conduct than can be counterbalanced by any good that may be gained in aid of discipline. The shortening of sentences upon supposed good conduct interferes with the principle, that punishment, certain and defined, should follow crime; it interferes with the principle in this way,—that a man can by good conduct in one situation, atone for bad conduct in another; it opens a door to all kinds of hypocrisy; it robs the law of its just demand, which requires a certain satisfaction for the crime committed; it induces those who are not yet convicted to trust either to their own good conduct or the intercession of friends to obtain a mitigation of their sentence; for if there is a possibility of a sentence being changed in any way, they depend upon that sentence being so changed as far as concerns their individual case. I therefore consider that a much greater evil is introduced into prisons by permitting a mitigation of sentence, under any circumstances, than can be counterbalanced by any good which is expected to result from it."

Three years subsequently to these remarks we find the Superintending Committee of the Penitentiary, in their Report to Parliament, observed—
“The power formerly vested in the committee of recommending prisoners for pardon, on the ground of good conduct, has been taken away by 7 Will. IV., cap. 13, with regard to all prisoners admitted subsequently to the date of that Act; and the necessity of such recommendations has been obviated by greatly shortening the legal duration of the imprisonment, and rendering it in all cases fixed and certain. This alteration is most important in principle, as, by depriving the prisoner of all hope of obtaining his liberty before the expiration of the appointed period of his confinement, it removes temptation to hypocrisy, and tends to reduce his mind to a quiet and submissive state, and to render him more accessible to good impressions. If the moral character of a prisoner is really reformed, he will enjoy the benefit of that reformation for life; if his character is not reformed, he ought not, by mere conformity to the rules of discipline, which in truth is no real test of reformation, to obtain any indulgence.”

In addition to the objections already stated, great must be the difficulty of determining in what cases an abbreviation of the appointed term would be either profitable to the convict, safe to the community, or equitable as respects other prisoners. If it be supposed that observance of rules, respectful de-

meanour, professions of penitence, and apparent attention to moral and religious duties may afford sufficient proof of reformation, we must assert that such an opinion cannot be the result of careful observation, or of intercourse with criminals, and must be contradicted by experience. Policy will often induce the most cunning and desperate prisoner to be most cautious not to infringe rules or to be in any way refractory ; and the most depraved will, when tempted, readily assume the mask of hypocrisy. Evidence confirmatory of this is given by the Governor of the Prison at Sing Sing, and described in a work we have already quoted*—" If it were necessary to mention a prognostic, I would even say that the prisoner who conducts himself well, will probably return to his former habits when set free : I have always observed that the worst subjects make excellent prisoners. They have generally more skill and intelligence than the others ; they perceive much more quickly, and much more thoroughly, that the only way to render their situation less oppressive, is to avoid painful and repeated punishments, which would be the infallible consequence of insubordination ; they therefore behave well, without being the better for it."

A remarkable confirmation of this was afforded by Dr. David,† who, in his speech at the Congrès

* *Système Peniténtiaire*. Première Partie, ch. 2, sec. 2.

† Professeur d'économie politique, Directeur des prisons, à Copenhagen.

Pénitenciaire, at Frankfort, said—" Lorsque je visitai les prisons de la Suisse, à Berne, le Directeur de la maison pénitenciaire, homme zélé et d'un rare mérite, m'affirma qu'il y avait plus de recidivistes de la classe dite ' des bons ' que des autres classes."

It must not however be inferred that no improvement is discerned, no confident hope entertained, or that reluctance would be felt in asserting (as positively as fallible judgment may permit) the reformation of any inmates of the prison. On the contrary, there are several of whose repentance I feel convinced, but that conviction is not founded so much on expressions and outward conduct, as on indications of feeling and various marks of sincerity, which private intercourse reveal, and which, in a prison, afford criteria of improvement far more certain than any open profession, although the practice may correspond. But such evidences of right feeling could not properly be admitted as the standard of character by which to decide on the liberation of any delinquent. In the government of a gaol it must be allowed that proceedings should be regulated, not according to the opinions of individuals, but by some definite plan; and that, as regards the question before us, must be founded on freedom from prison offences, and on general conformity to appointed discipline, irrespective of the motive,* a

* It is not long since that two young men having been convicted of burglary were sentenced to twelve months' imprisonment. After nine months had elapsed, during which

test, as we have seen, uncertain, and being once admitted and made known, calculated to be most mischievous.

time I had almost daily intercourse with these criminals, I felt satisfied that in the case of one of them correction had been effected, and described his case to a magistrate who visited him. It was thought desirable in consequence to recommend him to the royal clemency, and to obtain his discharge. The outward conduct of his companion had been equally good, although the signs of repentance were by no means so convincing, and there were extenuating circumstances in his case which rendered him as deserving of release as his fellow-prisoner. Whilst therefore I abstained from recommending the liberation of either, I felt obliged to represent that one could not be rewarded without apparent injustice towards the other. If the practice which is deprecated were pursued, similar cases would frequently occur.—

Note 1st Edit.

Since the above note was written I have had many communications respecting the two criminals referred to, and those have tended to prove the force of the objections alleged. Both criminals for about twelve months after their discharge went on in a very satisfactory manner, and that one whom I considered the less promising has continued to do so; but the more hopeful culprit has relapsed, and has been reconvicted of felony. I ascribe his second offence in a very great measure to the former mitigation of punishment. I feel sure that he was sincere in his professed penitence, and although under strong temptation he has again offended, yet his conduct has given evidence that good impressions were not altogether effaced, and that probably his reformation would have been permanent, but for the humane yet mistaken interference with the due course of the law. His own exclamation was—"I have often said, what a bad thing it was

Again, if the duration of punishment be commensurate with the nature of the crime, or the moral delinquency of the offender, it must be inferred that the whole term is required for *correction*. The shrub withering in the sterile soil may be speedily transplanted, and whilst protected and cultivated with more than common care, may put forth its leaves and promise well, yet if its support and shelter be too soon removed, the next blast may uproot and destroy it.

that ever I had my time shortened when I was here before!" This prisoner made a full acknowledgment of guilt when apprehended; and his statement to me on my first interview with him after his recommittal, so plainly shows the retrograde progress of many who relapse after short imprisonment, that I am induced to transcribe it.—"The next day after I went out my old companions came to me and invited me to drink, but I refused, and went on well for about twelve months; but they used often to meet me, and the man who keeps the beer-house at——— often invited me in when I was passing. I used before to be a good player at skittles, and this was a snare to me; for I was persuaded to go and play and then drink, and this led me to the public-house. I knew all the while I was doing what I should not; and then I thought it was of no use my going to the public-house and to church too; so I only went to church sometimes. After a while I left off going at all. I got work on the railway, and all I earned was as soon spent in drink and bad company. So I got from bad to worse. I was thrown out of work, and then my companion in this theft came several times to entice me. He wants to be transported, and his wife often said she wished he was." I offer no apology for crime, yet truly the relapse of a youth exposed to such temptations can but little surprise.

So a rapid change of disposition may be effected, a determination to amend the life soon formed, and whilst subject to moral discipline, and little exposed to temptation, the actions may be in accordance ; but as time is required that good resolutions may be strengthened and become steadfast, as the repetition of acts is needful to form the habit, and continued exercise to confirm it, so it must be inexpedient to allow appearances which may deceive,* to interfere with that process which is necessary for permanent correction ; to interrupt those means which might enable to resist temptation, and to prevent that maturity of improvement by which perseverance in a better course would be secured.† Thus the injury entailed on the culprit who should be the victim of such mistaken kindness, and on society in consequence, would more than counterbalance any imaginary or real benefit, which might attend the plan

* “ Though a serious purpose of amendment, and true acts of contrition, *before the habit*, may be accepted by God ; yet there is no *sure judgment* whether this purpose be serious, or these acts true acts of contrition.”—HAMMOND—*Practical Catechism*.

† A striking proof of this was given by Professor David in his continuation of the speech from which I have just quoted.—“ Je connais une prison dans laquelle on a gracié, à l'occasion du couronnement d'un prince, un assez grand nombre de prisonniers, choisis non sans discernement religieux, et dont 75 pour cent étaient rentrés en récidive avant l'expiration d'une année.”

PRISON DISCIPLINE.

the duration of a corrective punishment on professed or apparent reformation.

A question has been proposed, whether it is able to associate criminals after several months' confinement, during which their conduct has been in respects satisfactory, or not? To such a plan most of the objections which have been urged against shortening the duration of punishment apply with equal, and in some respects greater, force. The temptations to dissemble would be scarcely less, whilst the term of separate confinement, with its corrective tendencies, would be thus contracted. We must suppose that the time needful for reformation was rightly estimated when the term of punishment was adjudged, and it ought not therefore to be changed on account of uncertain, and too often deceptive appearances. How great too the mischief which might arise from associating one cunning, well-conducted, yet still vicious criminal, with others more sincere, but perhaps less cautious, who might almost imperceptibly be tempted, and so relapse.* All the evils of prison acquaintanceship,

* This evil was forcibly represented by M. Suringar at the late Frankfort Congress.—“ I ask by what certain mark will you determine the good character of a prisoner? Is it granted to human eyes to penetrate the heart, as the eye of the Almighty can do? The conduct of a prisoner, good in our sight, may be only a mask with which he conceals himself that he may obtain the favour he seeks (of associating with other prisoners) to turn that favour into a means of corrupting his companions.”

SEPARATION THROUGHOUT IMPRISONMENT. 269

and of future recognition, might also be entailed ; and on his liberation, many a reformed offender would have much cause bitterly to lament that his good conduct in prison had procured for him a *temporary* reward so disastrous in its *permanent* results.

CHAPTER XV.

PUNISHMENTS FOR REFRACTORY PRISONERS REQUIRED.—THE
UNDER SEPARATE SYSTEM.—MAJORITY OF OFFENCES.—
ATTEMPTS TO CONVERSE.—PUNISHMENTS DESCRIBED.—THE
GAG OF PAST DAYS.—THE KNOT.—ANECDOTE BY HOWARD.
—THE DARK CELL CORRECTIVE.

SOME observations have been already made on the means by which order and discipline are maintained, and offences within the prison prevented. It cannot, however, be supposed that all whose depravity and crimes have subjected them to imprisonment, and who have been long accustomed to offend, should on entering the prison walls at once cease to do evil, that vicious inclinations should be immediately out-rooted, or that habits of disobedience should be forthwith relinquished. Nor is every character so susceptible of kindness as to be corrected by the method we have described. Means of further punishment must therefore be provided. But that system of confinement is greatly to be preferred in which offences are least frequent, and under which the penalties for those that do occur are least objectionable. The plan of separation commends itself in both these respects.

Attempts to hold intercourse with fellow criminals are often made by prisoners recently committed,

and such breaches of discipline constitute the majority of misdemeanours. These endeavours being very seldom successful, and very easily discovered, it is almost impossible that concerted, or any of the more serious offences against discipline can be committed. Transgressions of any heinous character are few, because amidst much to check them and to correct, there is nothing to encourage them. And as the faults are of a comparatively trifling nature, so the punishments inflicted are proportionally light. No criminal is disgraced before his fellows, or rendered insensible to shame by open degradation or exposure to contempt.* The lash is very rarely inflicted. Happily the system, by other and more effectual means, preserves men from being debased below the brute, and secures them from a punishment so severe and infamous.† As the offences are

* This was little considered in past times. Amidst the relics of the old gaol is preserved a gag. This instrument when applied was fastened around the neck, the mouth was kept open by means of a rough piece of iron which pressed upon the tongue, and the head-dress attached is decorated with a red feather; the whole evidently intended to excite ridicule, as well as to produce pain.

† Perhaps in a few cases of *juvenile* delinquency such corporal chastisement may be corrective; but I feel sure that its general tendency is to degrade and harden both the sufferer, and others who witness the infliction. There can be little doubt but that, as Paley observed, all barbarous spectacles of human agony tend to increase rather than to repress crime. A shocking instance is recorded by Howard,

generally occasioned by thoughtlessness, the penalty affords an opportunity for reflection ; the delinquent is confined in one of the cells which have been described as perfectly dark, for a period never exceeding three days for one transgression, and in

and is thus described by his biographer :—" In a small inner room Mr. Howard found two Russians, sent hither about four years before ; since which period they had never been out of their room, where they were heavily ironed both by their hands and feet ; a guard being constantly placed at their door. They were never spoken to, nor was their crime known, or, indeed, anything respecting them, but that they had suffered the punishment of the knout, had a piece out of each nostril, and the mark on their cheeks which denotes their condemnation for life. Several others were marked in this way, for murder and other capital crimes ; no offence, not even the crying one of wilfully shedding man's blood, being then punished in Russia with death. Of this new mode of legislation a very singular illustration was here presented, in the case of the head knout-master at St. Petersburg, who had been brought hither, about a fortnight before, for having very coolly murdered his two colleagues, by striking off the head of one of them, as they were quarrelling in a public-house, and very dexterously decapitating the other the next instant, for seeming to resent the sudden fate of his comrade. For so daring and brutal an outrage this man was sentenced to receive 270 strokes of the knout, which was administered by the executioner from Moscow, who was brought to St. Petersburg for the express purpose. Being condemned to slavery for life, he was also sent to this prison with the mark of his sentence on his cheek. Here he met with several of his former acquaintance, to whom he had administered the discipline which, in his turn, he had himself received ; and, on being asked in how many strokes he could

general for a much shorter time, as determined by the extent of his misconduct.

It might appear invidious to contrast the small number and mild character of the punishments imposed under this system with the numerous and more severe penalties inflicted in particular prisons conducted on the Silent and other Systems. In them severity and force are essential to the maintenance of order. Under the Separate System, reason and reflection are the corrective means. The prisons of America may prove this, and spare the exposure and reproach of some authorities at home. I quote from a very recent Report of the New York Prison Association :—"Most of the prisons in this country, on the Silent System, are governed and kept in order mainly by the use of the whip, which is resorted to with more or less severity, according to the temper of the officers in whose hands it is placed. The destructive influence of this course, both upon keepers and convicts, cannot be hidden from any one at all conversant with prisons. In both it fosters into active growth and full vigour, the very worst passions of the human heart; and while in the prisoners it effectually blasts all hopes of reformation, in the officers it fearfully adds to the perils of constant contact with the vicious and depraved."

kill a man, he answered, with perfect *nonchalance*, that if the criminal were a strong man, he could dispatch him with five and twenty, if not with twenty blows."—*Brown's Life of Howard*, p. 610.

CHAPTER XVI.

CONSCIENCE A MEANS OF CORRECTION. — ITS NATURE. —
DORMANT IN MOST CRIMINALS.—ROUSED IN SECLUSION.
—CERTAIN MEANS OF PUNISHMENT.—SEVERE.—INFLECTS
SELF REPROACH AND DOES NOT EXCITE REVENGE. —
OTHERS PROTECTED THEREBY.

THE importance of pointing out to the culprit the connection between the crime and its penalty, and of exciting a sense of shame, has been referred to in a former chapter. It may appear that the effect of discipline, as it respects the conscience of offenders, should have been previously considered ; but since the fear of punishment, and the dread of disgrace, may restrain the vicious—although they cannot of themselves correct—and may operate with much power, although the conscience be depraved, or its dictates silenced, it is thought that the subject may form an appropriate introduction to some remarks on those higher moral feelings which are commonly excited by the corrective system of separate imprisonment.

For our present purpose it is unnecessary to enter upon any abstruse questions as to the nature of that faculty which pronounces judgment upon our acts, and is given to be our guide. Whether communi-

cated to man in consequence of his fall, thenceforth to direct and as a means to restore, as described by Milton;* or whether some portion of the Creator's likeness still retained part of what another poet describes as "the Divinity which stirs within us;" or, adopting the definition of a Christian Saint, which combines both opinions, we regard it as "a Divine principle implanted in our souls by God"† Whichever sense may be received, the communication of such a faculty, to all rational agents, must be admitted; and although it may have been deprived of power—having been long resisted it is possible that the conscience may have become callous, insensible as though "seared with a hot iron"—yet since no infallible test is afforded to man whereby he may determine such to be another's case, it would be evidently unsafe and improper to act as though it were ascertained to be so. We may deal with the conscience as dormant, but we cannot pronounce it dead. With most criminals there can be little doubt of its slumbering condition; hence penal discipline, to be corrective, must be adapted to arouse its energies, and then such as to

* "And I will place within them as a guide
 "My umpire conscience; whom if they will hear,
 "Light after light, well us'd, they shall attain,
 "And to the end, persisting, safe arrive."

Par. Lost, bk. 3, p. 194-7.

† Θεον γαρ εστι, και παρα Θεου ταις ημετεραις ενδρυμενον ψυχαις.

St. Chrysostom—Hom. Isa. vi. 2.

prevent a relapse into former dullness and indifference. No reasoning can be required to show that circumstances and companions, which divert the mind from every sense of duty, which stimulate vicious inclinations, and discourage any attempt to restrain them, must be unfavourable to the awakening of that monitor, whose lethargy is increased as its possessor becomes more corrupt.

It will not then be amidst the noise and clamour of ward-room convicts, or whilst silent, though scarcely less polluting, converse is carried on, that the resisted voice of conscience will either assert its power or effect its purpose ; but let the culprit be secluded and alone—let no scenes of vice distract, no sounds of wickedness disturb—let thoughtfulness be encouraged, and suitable reflections be suggested, and in the stillness of the prison cell, the whispers, long perhaps stifled, will be distinctly heard ; startling will be the force of conscience in its appeals, convincing and alarming its reproaches.

The talented author of the *Proverbial Philosophy* well observes—

- “A crowd hideth truth from the eyes, society drowneth
“thought ;
- “And, being but one among many, stiflcth the chidings of
“conscience.
- “Solitude bringeth woe to the wicked, for his crimes are told
“out in his ear ;
- “And, in his solitary cell, the malefactor wrestleth with
“remorse.”*

* *Second Series*, p. 177.

Assuming then, as surely will be allowed, that under the system of separation conscience exerts greater power and is less opposed, the policy and humanity of pursuing such a plan must be equally apparent. Does the violated law demand satisfaction; and do the interests of society require the punishment of the offender? The penalty cannot be more certain than when it is inflicted by a faculty within the prisoner himself, and from which there is no escape.* Only let the conscience be aroused, and the means of again stupifying it by vicious intercourse be forbidden, and it will assert its rights; with restless force it will avenge past injuries, and under circumstances so favourable to its triumph, the suffering inflicted will be in proportion to the resistance offered to its efforts.

—“*Can those be thought to 'scape* that feel
Those rods of scorpions, and those whips of steel
Which *conscience* shakes, when she with rage controls
And spreads amazing terrors through their souls?
Not sharp revenge, not Hell itself, can find
A fiercer torment than a guilty mind,
Which day and night doth dreadfully accuse,
Condemns the wretch, and still the charge renews.” †

* *Nullum conscium peccatorum tuorum magis timueris, quam temetipsum. Alium enim potes offugere, te autem nunquam. Nequitia autem ipsa, est sui pœna.* Seneca de Moribus.

† ————“*Cur tamen hos tu
Evasisse putes, quos diri conscia facti
Mens habet attonitos, et surdo verberare cœdit,
Occultum quatiente animo tortore flagellum?*

Such assertions of the Heathen Poet, as respects the severity of the punishment, are corroborated by the following remark of a Christian Bishop :—" If God should leave sinners to themselves, and to the lashes of their own *conscience*, a more severe and terrible torment can hardly be imagined, than that which a guilty mind would *execute upon itself*.—*Archbishop Tillotson—Sermon c.xi. fol. ed.*

Opportunity for punishment so just being provided, and chastisement so corrective being almost ensured, the security of society will thereby be promoted. Punishments which harass the body, or irritate the mind, will beget malice and excite revenge against others, who, though injured, will be thought to exact more than the claims of justice sanction ; but let conscience accuse and convict, and the culprit's feelings of hatred and indignation will be turned against himself. He will feel that his sin has found him out : he will read his crime in its penalty : the sense of his guilt will be the source of his suffering. Amidst self-reproach, the acts of others will be approved, and their rights in future respected. Thus it has been observed that this faculty has been implanted, not only to reprove the guilty, but to preserve the innocent. " In order to enforce the observation of justice, Nature has im-

Pœna autem vehemens, ac multo sævior illis,
Quas et Cæditius gravis invenit, aut Rhadamanthus,
Nocte dieque suum gestare in pectore testem.

—*Juvenal, Sat. xii.*

planted in the human breast that consciousness of ill-desert, those terrors of merited punishment which attend upon its violation, as the safeguards of the association of mankind, to protect the weak, to curb the violent, and to chastise the guilty.”*

But the prospective advantage of a penal system, which thus calls the conscience of offenders to its aid, must be further evident when it is considered that the most complete code of human laws can only prohibit, and seek to prevent by threatened punishment, the more aggravated crimes of fraud and violence. Innumerable must be the acts of dishonesty and of injury which no statute book can describe, and against which no penalty can be decreed.† But they are inscribed on the mind of the

* Smith's Moral Sentiments, part ii. sec. 2.

† Human laws may restrain or punish gross acts of violence and injustice; but they can never provide for numberless methods by which a man may injure his neighbour, or promote his own interest at the expense of others. There are, in fact, but a very few cases which can be provided for by any human institution; *it is a principle within that regulates the whole moral economy.* In its extent and importance, when compared with all the devices of man, it may be likened to those great principles which guide the movements of the universe, contrasted with the contrivances by which men produce particular results for their own convenience; and one might as well expect to move a planet by machinery, or propel a comet by the power of steam, as to preserve the semblance of order in the moral world, without those fundamental principles of rectitude which form a part of the original constitution of every rational being.”—*Ibercrombie's Moral Feelings*, part 1. sec. 2.

criminal,* and that very consciousness of sin is of itself a penalty. Happy indeed will be the effect on society if the more flagrant offences shall now be visited with a punishment which shall not only prevent their repetition, but by the means we have described shall remedy unavoidable defects, by calling into exercise a principle which is both active in discovering, and, if properly directed, powerful in restraining vicious propensities altogether beyond the reach of human legislation.

“Conscience the dawning purposes of heart explores,
“And steals our embryos of iniquity.”

Surely, then, none can doubt the wisdom and policy of adopting means to revive and invigorate a faculty implanted by the Creator to direct His creatures in the paths of virtue, and to reprove any departure from them. Nor is it presumption to expect that as a system of imprisonment may be calculated to give efficacy to a provision of Divine appointment, so in proportion a blessing shall be bestowed and the desired correction shall be accomplished. Penal legislation becomes thus really subservient to the law of God, and the magistrate indeed His minister.

* *Conscientia est codex, in quo quotidiana peccata conscribuntur.—Chr. in Ps.*

CHAPTER XVII.

TRUTHFULNESS.—ITS IMPORTANCE.—ACKNOWLEDGMENT OF GUILT NEEDFUL TO CORRECTION. — DECEITFULNESS OF PRISONERS IN GENERAL. — OPINION OF BURNS, GURNEY, AND M. FERRIERE.—PRISONERS WHEN ASSOCIATED DISTRUSTFUL.—WHEN SEPARATED CONFIDING.—THIS FAVOURABLE TO CORRECTION.

THE convictions of conscience will generally be followed by the confession of offences. Reference has been made to this fact in the subjoined Report,* but so remarkable and pleasing are the instances of truthfulness and candour, and so corrective must be a system which tends to promote and encourage these virtues, that the subject appears to claim more particular notice.

As deceit and the concealment of guilt counteract every attempt to reform the character, so the most serious obstacle to reformation is removed when a frank acknowledgment is made, and sincerity is shewn. Few will doubt the accuracy of the following remark of Locke, that “ If an ingenuous detestation of falsehood be but carefully and early instilled, that

* Mich. 1845. Vol. ii.

is the true and genuine method to obviate dishonesty." This duty, so essential to a sound education, is found to have been almost universally neglected in the case of convicts. Their parents, very often criminals themselves, instead of teaching them in their youth to "abhor lying," and training them in the principles of uprightness, have rather, both by precept and example, "taught their tongues to speak lies," and instructed them to "commit iniquity." Hence we have not only to teach, but to correct. We seek by means most suitable to eradicate this vice, so deeply rooted because long encouraged: we have to sow the very seeds of truthfulness. In our efforts to correct the deceitful and desperately wicked, we try to instil, as well as to cultivate sincerity in words and conduct. This is difficult, but it must be done. It is the very preliminary to improvement — "*Ut est initium sanitatis, sensus morbi: ita correctioni initium, agnoscere culpam.*"

The necessity for inculcating such a lesson in the case of prisoners must be evident, when it is considered how unlikely it is that suitable instruction can be conveyed, or seasonable advice given, unless crimes and circumstances of guilt, known perhaps only to the culprit himself, shall be acknowledged. The more ignorant an offender may be, the more needful is such communication; on the other hand, if the criminal be educated, the vice of concealment and deception is more heinous, more hardening,

and generally its demoralising tendency in proportion greater.*

The frightful extent to which falsehood was practised whilst criminals were associated, was of itself sufficient to forbid the hope of correction under such a system.† Rarely indeed could a statement

* Mr. Pitt observed of Burns, that none since Shakspeare had written so much according to nature. On this subject that poet says—

“ I waive the quantum o’ the sin,
The hazard o’ concealing;
But, och ! it hardens a’ within,
And petrifies the feeling.”

† “ Those who are accustomed to visit prisons, and other abodes of criminals, must be aware how entirely all regard for truth may be extinguished, and lying become a regular common-place practice through the force of habit.”—*Gurney*.

Some observations of M. Ferrière, the Chaplain of the Penitentiary, at Geneva, are strongly corroborative of the above assertions.

“ En général, il paraît qu’à force d’avoir vécu dans la préméditation du mensonge, et concentré leur génie sur l’art de tromper, de confondre tous les critères de la vérité, afin d’échapper à la justice, quelques prévenus se créent une diabolique science dont ils deviennent finalement victimes ; je veux dire qu’ils perdent la faculté de discerner en eux-mêmes le vrai du faux.

“ Dans cet état d’une âme, il n’y a évidemment pas à hésiter entre les deux systèmes de réclusion ;—s’il existe encore un moyen de ramener les détenus à être vrais avec eux-mêmes, de faire revivre en eux le sens de la vérité, c’est la réclusion

be received as true, and in general, the more positive the assertion, the less could it be depended upon. The veracity of criminals after a short term of separate confinement forms a striking contrast. Seldom is the truth told when the convict is first committed ; but it is not often that one will persevere long in the attempt to deceive. Most satisfactory have been many cases in which prisoners who had given a fictitious name when committed, and who had misrepresented themselves in various ways, subsequently, with evident shame and contrition, have made known their real names, and acknowledged the various circumstances of their course of crime.

This leads me to observe that the opportunities afforded by this system for confidential intercourse between the prisoner and his spiritual instructor are frequent, and often thankfully embraced. Converse

cellulaire.—Un atelier, un contact habituel avec d'autres détenus, bref, un public quelconque, mettrait un obstacle insurmontable à cette réorganisation morale, et tendrait à aggraver désespérément le mal.—Tandis qu'il reste encore quelque bien à espérer d'un ordre de choses qui place habituellement le détenu vis-à-vis de sa conscience.

“ Ces observations ont une grande portée ; elles ouvrent aux amis de l'humanité un vaste champ d'études, en ce qu'elles impliquent les plus belles questions sur la nature de la vérité morale, sur les moyens de conserver ou de réintégrer dans sa virginité le sens intérieur qui nous a été donné pour la saisir, etc., etc.—Mais, sans aborder ces recherches, il suffira de remarquer ici que toutes donnent, en dernière analyse, de nouveaux appuis au système de la réclusion cellulaire.”

of this kind rarely takes place whilst criminals are associated. The reason is plain. Honour, though occasionally spoken of as observed amongst thieves, by those who are little acquainted with their dispositions and practices, is really a principle seldom recognized. Selfishness commonly prevails, and with it distrust and treachery. Persons in general form their estimate of others from their knowledge of those who immediately surround them. If their converse is with the deceitful, they are slow to believe others sincere. If they have been, and as opportunity is afforded, still are duped and defrauded, men, especially the ignorant and vicious, are prone to decide according to what they see and suffer. Their experience has taught them to suspect. They distrust because they have been betrayed. Hence it is not the companions of the prison ward alone who are looked upon with suspicion, but no confidence is felt in any adviser, and a cautious reserve is maintained. Frequently indeed is the conscience oppressed with a weight of guilt, and the spirit desponding, yet want of confidence prevents that disclosure which would afford relief, and amidst evil society the struggle against the secret impulse is too commonly successful. Widely different is the conduct of prisoners when separated from each other. The welcome visits of the Chaplain, his advice, instruction, and sympathy, ere long convince them that their welfare is sought; suspicion is removed, because neither circumstances nor com-

panions encourage it; and that intercourse is commenced, which not only leads to the unreserved confession of crimes, but to an acquaintance with the means of forsaking them, and to the following of that course by which the character is reformed.

CHAPTER XVIII.

SOCIAL FEELINGS CORRECTED, AND THEN PROMOTED BY THE SEPARATE SYSTEM.—MISANTHROPY EXCITED BY VICIOUS INTERCOURSE.—DODD'S PRISON THOUGHTS ON THIS SUBJECT.—SYMPATHY WITH FELLOW-PRISONERS.—WITH OTHER SUFFERERS.—CONDUCT OF PRISONERS ON THE FAST DAY, 1847, ON ACCOUNT OF SCARCITY—CONTRAST SHEWN IN CONDUCT OF CRIMINALS ASSOCIATED.—SOME SHOCKING ILLUSTRATIONS.—SOCIAL INTERCOURSE MORE DESIRED.—FAMILY AFFECTION PROMOTED AND CORRECTED.—EFFECTS EVIDENT.—LETTERS OF PRISONERS.

The reference to the moral feelings in the foregoing chapter leads me to remark upon the tendency of separate imprisonment as respects social ties and family affections.

If the isolation of prisoners had the effect of severing these bonds, or of diminishing in any measure the love of kindred, very serious would be the objection; but experience proves that such seclusion contributes to the very opposite result. Reason and observation indeed might lead us to infer that the association of criminals is much more calculated to produce or increase misanthropy. Little in the prison ward-room could excite feelings of benevolence, or encourage acts of kindness. No sympathy is there shown in each other's suffering,

but those vicious dispositions prevail which render men "hateful," and induce them to "hate one another." The aversion thus created has been declared, and entire separation preferred by all but the most depraved.*

* See Appendix to Report, 1845; also, "Observations of a Convict," vol. ii. In addition to the evidence there adduced, let us learn the importance and value of separate confinement from the earnest longings for it expressed in the following lines of Dr. Dodd, written whilst awaiting his trial:—

Oh for a moment's pause,—a moment's rest,
To calm my hurried spirits! to recall
Reflection's staggering pilot to the helm,
And still the maddening whirlwind in my soul!
—It cannot be! The din increases round:
Rough voices rage discordant; dreadful shrieks!
Hoarse imprecations dare the thunderer's ire,
And call down swift damnation! thousand chains
In dismal notes clink, mirthful! Roaring bursts
Of loud obstreperous laughter, and strange choirs
Of gutturals, dissonant and rueful, vex
E'en the dull ear of Midnight! Neither rest,
Nor peaceful calm, nor silence of the mind,
Refreshment sweet, nor interval or pause
From morn to eve, from eve to morn is found
Amidst the surges of this troubled sea.

Some time after the above was written, we find the author devoutly speaking of the blessedness of that seclusion which was then allowed him; we hear him also with impassioned language declaring the importance of conceding such a blessing to others:—

—With what deep force, experienc'd, can I urge
The truths momentous! How their power I feel

But whilst by vicious intercourse antipathy is engendered, it must not be supposed that because the Separate System forbids any communication amongst criminals by the outward senses, it therefore prevents the sympathy which as fellow-sufferers they ought to feel, or that anxiety for each other's welfare is thereby lessened. On the contrary, most pleasing inquiries respecting former companions in guilt are frequently made, and earnest solicitude for mutual improvement is often expressed. Such concern for each other is of course encouraged.

Painful indeed is the contrast, in this respect, afforded by those gaols in which prisoners are associated. I cite an extract from a recent Report of the Inspectors of Sing Sing Prison. "One of the females who had been convicted of murder, and her sentence commuted to imprisonment for life, died of consumption. Before her death she confessed the crime, and gave every evidence of sincere repentance. She complained that her efforts at repentance were thwarted, and her dying moments disturbed by the

In this my solitude, in this lone hour,
This melancholy midnight hour of thought,
Encircled with th' unhappy ! firmly closed
Each barricaded door, and left, just God,
Oh blessing—left to pensiveness and Thee !
To me how high a blessing ! Nor contains
Seclusion aught of punishment : to mix
With wretches here were punishment indeed !
How dread a punishment !

Prison Thoughts, p. p. 27-39. Cooke's Ed.

violence of her fellow-prisoners. * * * Not long since four of them took an oath upon the Bible, in due form, solemnly devoting themselves to the devil, as his children, and to obey his commands !” Here was sympathy with Satan ; but worse than savage barbarity towards a dying fellow being !

Nor is the kindly feeling of prisoners separately confined limited to fellow-sufferers under the same roof. Often have I spoken to them of criminals in other gaols, and their subsequent remarks have shewn that much sympathy was excited. And it is not fellow criminals alone, but sufferers from every cause whom they learn to compassionate. An illustration may prove this :—The 25th of March, in the last year, was the day appointed for a general fast, on account of the threatened famine. The following note is in my journal of that day :—“ During the evening I visited many prisoners, and found with much satisfaction that a large proportion of them had observed the day in a manner becoming their own situation, and the purpose for which it had been set apart. I think it right to record the following remarkable proof of the effect of discipline :—Having been from home during the last few days, (summoned to give evidence before the Committee of the House of Lords, &c.) I have not had the desired opportunity of conversing with the prisoners concerning the Fast Day, or the duties pertaining to it ; but I distributed a tract, explanatory of its purpose, &c. They were all supplied with their usual rations. I

went first this evening to the cells of the prisoners recently committed for trial (Ward A. 1.) ; and amongst these (upwards of twenty) I found that but three had abstained from any portion of their food. I then visited twenty-one convicted prisoners who had spent some considerable time in the gaol, (Ward C. 1.) ; and amongst them I found that some had altogether abstained from food, and of the whole number two-thirds had partially abstained. The remark of one prisoner, whom I questioned concerning his abstinence, was, I believe, sincere, and was very pleasing:—‘Sir, I have not felt able to eat to-day, whilst I have thought of those poor starving people ; but I hope that I have prayed a good deal that God will give *them* something to eat.’ I trust that many observed the day from motives alike proper ; but apart from such motives, if these poor creatures, who have so much offended through *self-indulgence*, learn to practise *self-denial*, much cause will they themselves, and society in general, have to rejoice, and be thankful.

Since the design of imprisonment is not merely to punish, but by correction to prepare the offender for more profitable intercourse with his fellow-men, the feelings which are produced by his confinement towards mankind in general must be most important.

None can doubt but that regard for others will depend greatly upon the persons with whom intercourse is held, and upon the treatment experienced from them. Subject a man to the companionship

of none but the morose and malignant, and no kindly feelings will be created, nor will the ill-usage of such cause society to be desired. But how different the effect upon a prisoner when he is secluded from the reach or sight of malevolence, is visited only by those who supply his wants, advise him for his welfare, or console him in his distress. Intercourse of this kind with his superiors, and with such alone, will have the effect of strengthening, instead of destroying, the social principle so wisely implanted in all men, and therefore worthy of being cultivated with watchful care.

Perhaps, indeed, condemnation to a long continuance of entire solitude might tend to eradicate that principle we desire to cherish; inasmuch as the sufferer, with a view to the lessening of that punishment, might endeavour to overcome the natural inclination towards social intercourse, and might foster a spirit of selfish indifference. But scarcely is a temptation to do this presented, when the term of separation is short, and when motives and actions, the very opposite to those which form the heartless recluse, are continually urged. Seclusion, under such circumstances, renders society more inviting, whilst its corrective tendency prepares the subject of it for the increased pleasure which more virtuous companionship shall afford. I know of no condition or state of moral discipline which so well admits the strict literal application of Milton's lines—

“ Solitude sometimes is best society,

“ And short retirement urges sweet return.”

Nor will the lasting remembrance that it was for a *punishment* the offender was debarred from the free communication with his fellow-men cause association to be less desired. The advantages of his seclusion will be thankfully borne in mind, and occasional secrecy therefore chosen ; but converse will have increased charms ; the deprivation will have made it a privilege ; company therefore, but that of a better character than before, will be sought, and will prove a source of more profitable enjoyment.

But if the bonds of social intercourse are strengthened by this temporary severance, still more are the ties of relationship, of attachment to home, and the endearments of family confirmed. Men, indeed, who before seemed to be without natural affection, giving sad proofs of this by spending, not only lawful earnings, but whatever was obtained by fraud or violence, in base self-indulgences, treating with worse than brutal indifference the distress of those whom they were bound to love and support ; even such often, after short separation and suitable instruction, express much pity towards the innocent sufferers through their crimes, and deprecate their past conduct with the most bitter self-reproach.

So favourably does separate imprisonment operate in exciting the love of kindred, and in strengthening those feelings which have been well said to "have less of earth in them than heaven," that in dealing with the more hardened culprit it is my

constant practice to refer to subjects so effectual in subduing the most obdurate, as preparatory to that corrective instruction whereby the character may be in other respects improved.*

How great too is the advantage resulting from this improved discipline, inasmuch as the very affections themselves assume a different character. Whilst encouraged and increased, they are also corrected. Their foundation is laid on better principles, and they are directed to a better purpose. The reasoning and reflection of the secluded criminal tend

* I find with satisfaction that the opinions I have expressed on this point are confirmed by the Chaplain of the Pentonville Prison, who observes in his last Report—"The natural affections and love of kindred, appeared to me to gain new strength in solitude, and formed an element in efforts to promote the reformation of the men. Rebellious children mourning over their past disobedience—husbands and parents looking with painful retrospect upon their once neglected families, meditating and asking advice how to do better for the future, and looking forward with some hope to future efforts to retrieve their errors, and to become the comfort of those, to whom they had caused sorrow,—furnished subjects of conversation between the prisoners and their ministers continually. There being time and opportunity for reflection, the mind of the poor wanderer from home and virtue turns back, with amazing interest, to the scenes of childhood and comparative innocence. Such feelings appear to have been as effectually dissipated in the company of lewd and wicked fellow-prisoners in common gaols, as they had previously been in the company of the ale-house, or dancing-room."—*Third Report of the Commissioners*, p. 8.—(Note to 1st Ed.)

to change the blind instinctive fondness felt by some, and which had been heretofore productive of evil rather than good, into an enlightened affection which seeks the real welfare of its objects, by means, of which the reformed offender has himself experienced the good effect. Often do prisoners express themselves most satisfactorily on this subject. With much feeling, and many tears, one said to me not long since—"I often think what a blessing it will be for my poor children that I have been brought here, if I should ever be at liberty again; and I wish I had been brought here twenty years ago for their sake." I rejoice in the knowledge that sentiments like these are felt by, and influence many.

Thus salutary is the system in awakening a sense of parental negligence, and in creating thoughtfulness on the terrible effects of vicious example. Again, the profligate, who spurned the warnings, and slighted the entreaties of affection, in his separation calls to mind the long forgotten precept of the parent, and with a sorrowful remembrance he resolves that henceforth it shall be observed.*

* The editor of the *United States Gazette*, who has been before quoted, gives the following anecdote, illustrative of that thoughtful affection to which the isolated condition of our prisoners is favourable:—"The keeper had moved away from the grate, and we were about to follow, when the prisoner said in a low voice—"One word more, if you please. You seem to understand these things. Do the spirits of the

In the foregoing remarks I have not represented merely imaginary consequences, or described such resolutions as are lost sight of on the prisoner's release ; but with thankfulness I look around on many whose present conduct proves their promises to have been sincere, and their determinations stedfast ; whilst most cheering and encouraging is the gratitude expressed by the families of several of these discharged criminals, who, once selfish and inhuman, have by separation and instruction been rendered considerate and kind.

The observations of this chapter may be illustrated by the following extract from a letter written by a prisoner, twenty years of age, to his sister, after he had been five months in prison for a felony. It is

departed ever come back to witness the actions and situation of the living ?' ' Many people believe it,' we replied ; ' and the Scripture says that there is joy in heaven over a sinner that repenteth on earth. It may, therefore, be true.' ' It may be,' said the man. ' My poor, poor mother !' " That fearful imprisonment (in the Penitentiary we have described) could not touch him, but when the thought came rushing into his mind that his mother witnessed his situation, his degradation, imprisonment, and sufferings, his heart felt its power, and he bowed before the shrine of that mother's memory who had watched over him in infancy, and with maternal fondness sought many methods to secure his happiness and welfare."

Erroneous as was the idea that a departed saint could be the subject of any painful emotion, yet the error does not detract from the argument that feelings of affection are promoted by separate imprisonment.

inserted rather as a specimen of many than because superior to most :—

“ Don't fret, my dear sister, about my being here. I cannot help fretting when I think about my usage to my father and mother: when I think about it, it makes me quite ill. I hope God will forgive me; I pray for it night and day from my heart. Instead of fretting about my imprisonment, I ought to thank God for it, for before I came here I was living quite a careless life; neither was God in all my thoughts; all I thought about was ways that lead me towards destruction. Give my respects to my wretched companions, and I hope they will alter their wicked course, for they don't know for a day nor an hour but what they may be cut off. I have seen my folly, and I hope they may see their folly; but I shouldn't if I had not been in trouble. It is good for me that I have been in trouble. Go to church, my sister, every Sunday, and don't give your mind to going to play-houses and theatres, for that is no good to you. There are a great many temptations.” * * *

I here insert another letter brought for my inspection, whilst correcting the proof sheet of this work for the press. I may premise that the writer is under sentence of imprisonment for eighteen months, for a felony; both his parents have been convicted, his father many times; three of his brothers are now transported :—

“ February 1st, 1848.

“ DEAR SISTER,

“ I take this opportunity of writing these few lines to you, hoping to find you in good health, as it leaves me at present, thank God for it. But that is only the health of the body; but I trust I shall attain to the health of the soul through Jesus Christ who hath died for sinners, for I am

determined by God's grace to forsake my sins, and henceforth to live in obedience to God's commands ; for I think this is almost enough to make one hate his own life, much more that which has caused his shame. Have I not cause to look upon sin with perfect hatred, and one above all ; although it is no use to hate one and not others, but that one was the cause of all the others. The particular one is drinking, which brought me very low ; and if you read the following verses, you will see that I have proved them. Prov. xx. 1 ; Prov. xxiii. 21 & 32 ; Haggai i. 6 ; Prov. i. 31 ; Prov. xiii. 15—21 ; Prov. xi. 21 ; Isaiah xlviii. 22 ; Jer. xxii. 21. And now, my dear sister, seeing I have proved this, I do heartily pray that you will correct your son betimes, and he will give you comfort and joy ; for if you leave him to himself, he will surely cause you shame. But you may say it is nothing to me what you do with your son. But seeing I have brought disgrace upon you and myself, I desire that you should bring your child up in the fear of God, that he may prove a blessing to you and to himself. I hope my dear mother makes herself as happy as she can concerning me, and I hope she thinks more about the salvation of her soul. And think not, my dear mother, as I heard you once say, that you thought God would not be so severe with those who have so many troubles in this world. But, my dear mother, this is a strong delusion of the devil's, and he would like to make you believe a lie ; but if you read the following Scriptures, you will see that your thoughts cannot stand. Ezekiel xviii ; Colos. iii. 25 ; Mark xvi. 16 ; Luke xii. 3 & 5 ; Psalm ix. 17 ; Psalm xi. 6. This shows us plainly that all who don't repent must suffer the vengeance of eternal fire. Read St. John's gospel, and there you will see that Jesus died for sinners. This letter may perhaps displease you, but I have not wrote this to reproach you, but out of pure love to you, knowing that your time is at hand ; and I cannot tell how near mine is, for with many tears of sorrow have I

wrote this on account of my past folly, and with the determination of amendment. Give my love to Michael and to Hannah in your next letter: please to send me word how she is going on, and how my sister Mary is doing. Good bye, and God bless you; and if I never see you on earth, it is my earnest prayer to meet you all in heaven.

“ I am your affectionate brother,

“ J. I.”

CHAPTER XIX.

LIBERTY REQUIRES EDUCATION. — CRIME THE RESULT OF IGNORANCE. — OPINION OF BISHOP SHERLOCK, BUTLER. — DUTY OF AFFORDING EDUCATION. — SENSUALITY THEREBY PREVENTED. — EVIDENCE OF MR. JUSTICE WIGHTMAN. — ROBERT HALL QUOTED. — ENERGY OF PRISONERS AN ARGUMENT FOR THEIR INSTRUCTION. — TO WHAT EXTENT DESIRABLE. — PURPOSE OF EDUCATION. — HOOKER. — OPINION OF LORD DENMAN. — EDINBURGH REVIEW. — EFFECT OF EDUCATION IN SWITZERLAND. — RELATION OF PUNISHMENT TO EDUCATION. —

“Would you prevent crimes? Let liberty be attended with knowledge.”* Such is the admonition of one whose recognised wisdom demands respect. The days are past when questions as to the expediency of granting liberty to every class of our rational and unoffending fellow-men were frequently discussed. The right has been asserted, and the just claim has been conceded. More important therefore at present is the enquiry by what means liberty may be secured from abuse, and how the natural tendency to licentiousness may be prevented. A senseless engine set in motion, with none to controul, may produce mischief commensurate with the force imparted. An untamed brute without restraint would be destructive according to

* Marquis Beccaria—Crimes and Punishments.

its instinct and its strength. So as the natural inclinations of men are evil, the freedom of the lower orders must endanger the welfare of the community, unless the power thereby afforded should by some means be properly directed.* Ignorance may promote the submission of a slave; his bodily capacities and animal passions are not subjected to any superior faculty in himself, but are governed by the will of another. But how perilous would be

* "The passions of men considered, it is not to be expected that those who are permitted to go wild and untamed in their youth, should prove harmless, much less useful and beneficial to society, in their more advanced years. Necessity is a great temptation to wickedness, and leads men to use fraud or violence to support their vices; and if they have nothing but their corrupt affections to direct them, can it be hoped that they should withstand these temptations? Idle and undisciplined boys commonly prove loose and vicious young men, and often fall a sacrifice to the severity of the law before they become old ones. Thieves and robbers must be punished, or the innocent must be ruined; so far the rigour of the law is justified; *but is it not a deplorable case, and to a christian country a great reproach, that great care should be taken to punish wickedness, and little or none to prevent it? And yet this is the case where the instruction of the poor is neglected, and they are left to pursue the corrupt inclinations of nature to their own destruction.* This mischief is in some measure provided for by the charity schools; and by breeding up the poor to be honest and diligent, the rich are saved from the violence of wicked necessitous men; the poor are rescued from wickedness, and the punishments due to it; and so many useful and beneficial hands are gained to the public." *Bishop Sherlock—Discourse lxxiii.*

the liberation of a slave, if the exercise of reason could be still prevented ; no maniac would then be more dangerous. In his state of servitude the only faculties employed were usefully directed ; but those very powers would be active instruments of evil if altogether unrestrained. In a like manner, if not to the same extent, must the free use of animal propensities and powers be unsafe, under any circumstances, unless regulated by some mental or moral principle. But so depraved is human nature, and so prone is man to seek enjoyment and satisfaction in sensual indulgences alone, that if left entirely to himself, the inferior and evil part of his nature will thus predominate, whilst the higher and virtuous faculties, which ought to bear rule, will be entirely neglected. Hence lawless violence, and selfish indifference to the rights of others, must ensue ; and unless an antidote be found, the freedom of all classes, so strenuously demanded, and so justly allowed, must prove a curse to individuals, and a constant bane to the community. If then justice enforces the liberty of a class who have not the means of instruction within their reach, sound policy suggests that education should be imparted ; and the duty and expediency of affording instruction must be in proportion to the increased power which is thereby communicated to those higher faculties, the exercise of which tends to elevate the character, and to promote the security and welfare of society.

On a subject so important I feel much satisfaction in quoting the high authority of Butler, who says—
“ I would observe, that our laws and whole constitution, civil and ecclesiastical, go more upon the supposition of an equality amongst mankind, than the constitution and laws of other countries. Now this plainly requires that more particular regard should be had to the education of the lower people here, than in places where they are born slaves of power, and to be made slaves of superstition. It is, I suppose, acknowledged that they have greater liberty here than they have any where else in the world. But unless care be taken for giving them some inward principle, to prevent their abusing this greater liberty, which is their birthright, can we expect it will prove a blessing to them? Or will they not in all probability become more dissolute, or more wild and extravagant, whatever wrong turn they happen to take, than people of the same rank in other countries.”*

It is unnecessary, and would exceed the proposed limits of the present work, to enter at any length upon the subject of education, or to do more than simply refer to the advantages derived therefrom. The very possession of the mental faculties must surely recommend their culture, and such endowments, distinguishing man from creatures to whom no such powers have been imparted, not only constitute a privilege to be valued, but must

* Sermon on Prov. xxii. 2.

involve the duty of seeking their improvement. And if self-love and a sense of duty induce us to secure the advantages of such culture to ourselves, and to all closely connected with us ; then without doubt we are under the moral and Christian obligation of love towards all men, to endeavour to confer like benefits on others, and therefore to afford instruction to those who cannot otherwise obtain it, just to the extent which we believe shall be profitable to themselves and conducive to the public good. Applying this argument particularly to our subject, there can be no doubt but that the mind of prisoners must be cultivated, if gross sensuality is to be prevented. The labouring man who can read will often profitably occupy the time which would otherwise be spent in the polluting converse of the public-house. He is provided with a resource in the hours of leisure, and the company of the vicious is less attractive.

The evidence given on this subject by the learned judges and others, before the late Committee of the House of Lords,* was most worthy of attention. I give an answer of Mr. Justice Wightman, as expressive of the common opinion :—"The first effect of education will be to change the habits of the people in their recreations and mode of enjoying leisure—from frequenting public houses, and drinking to excess, to rational and innocent occupation and amusement. I particularly mention this, as

* On the execution of Criminal Law, 1847.

according to my experience at least three-fourths of the criminal charges that are brought to trial at the assizes, originate in habits of intemperance, and the spending all leisure time in public houses ; the parties usually being totally ignorant, unable to read or write, and, as it would seem, incapable of appreciating any other mode of enjoyment or occupation of their leisure. Until the national character is much changed in this respect, any very great decrease in the amount of crime is scarcely to be expected."

A powerful writer has in forcible language given a condensed view of some advantages it may be well to mention :—"The mind of the poor man who can read can find entertainment at home, without being tempted to repair to the public-house for that purpose. His mind can find him employment when his body is at rest ; he does not lie prostrate and afloat on the current of incidents, liable to be carried whithersoever the impulse of appetite may direct. There is in the mind of such a man an intellectual spring urging him to the pursuit of *mental* good ; and if the minds of his family also are a little cultivated, conversation becomes the more interesting, and the sphere of domestic enjoyment enlarged. The calm satisfaction which books afford, puts him into a disposition to relish more exquisitely the tranquil delight inseparable from the indulgence of conjugal and parental affection ; and as he will be more respectable in the eyes of his family than he who can teach them nothing, he will be na-

turally induced to cultivate whatever may preserve, and shun whatever would impair, that respect. He who is inured to reflection, will carry his views beyond the present hour; he will extend his prospect a little into futurity, and be disposed to make some provision for his approaching wants; whence will result an increased motive to industry, together with a care to husband his earnings, and to avoid unnecessary expense. The poor man who has gained a taste for good books, will in all likelihood become thoughtful; and when you have given the poor a habit of thinking, you have conferred on them a much greater favour than by the gift of a large sum of money, since you have put them in possession of the *principle* of all legitimate prosperity.

I am persuaded that the extreme profligacy, improvidence, and misery, which are so prevalent among the labouring classes in many countries, are chiefly to be ascribed to the want of education.

* * * Nothing in reality renders legitimate governments so insecure as extreme ignorance in the people. It is this which yields them an easy prey to seduction, makes them the victims of prejudices and false alarms, and so ferocious withal, that their interference in a time of public commotion, is more to be dreaded than the eruption of a volcano.

The true prop of good government is the opinion, the perception, on the part of the subject, of benefits resulting from it; a settled conviction, in other

words, of its being a public good. Now, nothing can produce or maintain that opinion but knowledge, since opinion is a form of knowledge. Of tyrannical and unlawful governments, indeed, the support is fear, to which ignorance is as congenial as it is abhorrent from the genius of a free people. Look at the popular insurrections and massacres in France: of what description of persons were those ruffians composed, who, breaking forth like a torrent, overwhelmed the mounds of lawful authority? Who were the cannibals that sported with the mangled carcasses and palpitating limbs of their murdered victims, and dragged them about with their teeth in the gardens of the Tuileries? Were they refined and elaborated into these barbarities by the efforts of a too polished education? No: they were the very scum of the people, destitute of all moral culture, whose atrocity was only equalled by their ignorance, as might well be expected, when the one was the legitimate parent of the other. Who are the persons who, in every country, are most disposed to outrage and violence, but the most ignorant and uneducated of the poor? To which class, also, chiefly belong those unhappy beings who are doomed to expiate their crimes at the fatal tree; few of whom, it has recently been ascertained, on accurate inquiry, are able to read, and the greater part utterly destitute of all moral or religious principle."*

* R. Hall's Works, vol. i. p. 200.

I have elsewhere referred to the eagerness and surprising rapidity with which knowledge is acquired by prisoners. In some cases faculties are aroused and developed, which were before dormant and undiscovered, but in most instances the adventurous spirit, and the former restless activity of their mind, although, in the pursuit of evil, may account for the fact. How strong then, the argument, thus furnished, for communicating that instruction which shall restrain the lawless impulse, and direct the energy by which the character is distinguished towards the performance of duty !

It will be inferred from what has been said, that it is not the communication of merely secular knowledge upon which the writer insists. Anxious as he would be to give every criminal instruction to such an extent as should enable him to read without difficulty, yet he considers that any teaching beyond this should depend upon the apparent improvement of character. No prisoner taught to read can perish in this land of liberty through lack of knowledge. It must be his own fault if he does not become wise unto salvation. He is furnished with the means and motives of uprightness and enjoyment which have been described. This, I conceive, is the extent to which the State is bound to impart *secular* instruction to *offenders*. The expediency of imparting any beyond this must depend upon the correction effected. It would be profitable if the

culprit were reformed ; its tendency would be pernicious both to himself and to society if no such change were produced. The maxim of Seneca, though found in the epistle of a heathen philosopher, suggests the safe rule for a christian teacher to pursue—“*Mores primum, mox sapientiam disce, quæ sine moribus male discitur.*” It is not then by means of more extended instruction *of a secular kind* that reformation is to be sought or expected, but rather by the lessons of religion and a process of moral training. The education especially adapted to a prisoner is again described by the judicious and revered Hooker, who observes—“Education and instruction are the means—the one by use, the other by precept—to make our natural faculty of reason *both the better and the sooner to judge rightly between truth and error, good and evil.*” This is the object to which the efforts of the prisoner’s instructors are in every case directed ; and to accomplish it adequate means are pursued. If when a comparatively small measure of secular instruction has been imparted, the conduct affords the hope that the mental faculties are not merely strengthened, but likely to be turned to good account ; if, for instance, as before observed, the Sacred Scriptures are read, and portions of them learnt with seeming pleasure, and a desire is shewn to regulate the conduct by their holy precepts, such an evidence is thought to give promise that further instruction of the same kind will neither be abused nor be unprofitable, and it

is accordingly afforded. It may be proper here to observe, that since care is taken that motives to amendment shall be continually presented, and constant recourse to the means of reformation is sedulously advised, there are few cases in which the general demeanour does not warrant further instruction. The following observations, by the learned author of the *Analogy*, to some extent represent our duty, and describe our efforts :—"Socrates was not the first who endeavoured to draw men off from labouring after and laying stress upon other knowledge ; in *comparison* of that which related to morals. Our province is virtue and religion—life and manners—the science of improving the temper, and making the heart better. This is the field assigned us to cultivate ; how much it has lain neglected, is indeed astonishing. Virtue is demonstrably the happiness of man : it consists in good actions, proceeding from a good principle, temper, or heart. Overt acts are entirely in our power. What remains is, that we learn to keep our heart ; to govern and regulate our passions, mind, affections ; that so we may be free from the impotencies of fear, envy, malice, covetousness, ambition ; that we may be clear of these, considered as vices seated in the heart, considered as constituting a general wrong temper, from which general wrong frame of mind, all the mistaken pursuits, and far the greatest part of the unhappiness of life proceed. He who should find out one rule to assist us in this work, would deserve

infinitely better of mankind than all the improvers of other knowledge put together." *

"I indulge,"—say Lord Denman, in his evidence before the Committee of the House of Lords, 1847,—"I indulge a sanguine hope that moral training, followed by the means of obtaining a decent livelihood, will so materially diminish the amount of crime as to make it a rare exception even among the lowest classes, instead of threatening, as it now does, to become the rule."

It has undoubtedly been in consequence of the ignorance or wilful disregard of these truths that crimes have increased, and the enlargement of our gaols has been required. Had due attention been given to them a far different result might have been ensured. The County Prisons of England might then have resembled those in the Cantons of Swit-

* Bishop Butler—Sermon upon the Ignorance of Man.

Well does the talented writer of an article in the Edinburgh Review, (Oct. 1847) after pointing out some advantages resulting from secular education, add—"Are we supposed to imply any question of the infinite superiority of religious training over that which involves merely the developement of the intellect and the first rudiments of social morality? By no means. We unfeignedly believe that the former training is as much more important than the other as eternity is more important than time. We also believe that he who looks most to the future world will best play his part in this; that, as Aristotle has long since observed, he who is really the *αγαθός ἄνθρωπος* will also be the highest type of the *σπουδαίος πολίτης*.

account in some of which Howard records that he "found no felons confined," and says "the principal reason of it is, the great care that is taken to give children, even the poorest of them, a *moral and religious education*." But yet another cause of this happy freedom from serious offences appears in his description—"provision is made that felons should have each a room to themselves, 'that they may not,' said the keeper, '*tutor one another*.'" Corrective instruction instead of such destructive intercourse was supplied, and he adds "the principal object here is to make them *better men*. This indeed should always be the leading view in every House of Correction. As rational and immortal beings we owe this to prisoners: nor can any criminality of theirs justify our neglect in this particular."*

Long since then might Switzerland have taught us the true method of preventing crime, or the sure system of correcting criminals—lessons which we have been slow to learn. Although the result of such means rendered the duty of adopting them positive and plain, and the inducements to pursue them obvious and powerful. Whilst it becomes us as a nation to acknowledge past neglect with self-reproach, let our present exertions may redeem us from painful consequences which must otherwise have been lasting. And truly the Magistrates of Berkshire having been amongst the first to adopt the only system of criminal treatment which has

* On the influence of the Prisoners. Section 4.

been proved reformatory, have a right to the gratitude of our country, and whether that be awarded or not, will surely be recompenced by the blessing of many a corrected criminal "whose soul was ready to perish."

" ——— 'Tis God's own plan
 " *Correct, but to reform* ; then give to men
 " The means of reformation ! Then, restor'd
 " To recollection, to himself, to God,
 " *The Criminal will bless your saving hand* ;
 " And, brought to reason, to religion brought,
 " Will own that SOLITUDE, as solely apt
 " For work so solemn, has that work achiev'd."

There is another point connected with our present subject which is worthy of consideration. The plan pursued is a system of corrective *discipline*—a word which, I trust, may henceforth fully describe our penal treatment, and is surely the only word that should represent the secondary punishments of a civilized state. We have observed that the recognized liberty of all classes involves the necessity and duty of national education. Let such be based upon the principles of our holy religion, and the prevalence of crime will be prevented. If any offend, let their guilt be regarded as a proof that their education has been defective, and that further *discipline* is demanded.* If freedom and un-

* I rejoice to observe that this opinion is gaining ground throughout the world, and acted upon in other lands as in England. The Baron de Closen, of Baravia, made the following remark at the late Congrès Pénitentiaire at Frankfort :—

restrained intercourse should in any case prove unfavourable to the lessons of morality, then let the delinquent be subjected to compulsory *seclusion*, but with it let additional means of improvement be afforded ; and although through long neglect, or in consequence of *forced evil communications during former imprisonments*, some will still be found incorrigible, yet whilst these are few, numbers will be reclaimed.—We shall “overcome evil with good ;” the vicious will cease to do evil, the guilty will *learn* to do well.

This important subject has been referred to in a valuable pamphlet lately published.—“The ideas of education and punishment are co-relative*—the one cannot exist without the other, and the nature of the one necessarily depends on the nature of the other. Their mutual relation is always the same, though the proper character for both varies with every shade of circumstance and influence. In one word, *the two must co-exist—at a fixed relation to one another—both, however, varying with the condition of the subject*. To take the particular case before us, relative to national laws, it is obvious governments can-

“La plupart des crimes qui se commettent dans le monde proviennent des vices d’une éducation mal dirigée. La prison est donc appelée à rectifier ou à compléter l’œuvre imparfaite de l’école.”

* The word *παιδεία* is used in the New Testament for the several ideas of education, instruction, admonition, chastisement, and even scourging : and in Xenophon, for the discipline of mind as well as body.

without punishment: they have been con-
sidered necessary to the preservation of society :
without them, laws lose all their obligative-
ness, and become little less than counsel or advice.
Governments less inevitably, of their very
nature, engaged, directly or indirectly, intentionally
or not, in education of their subjects :
where there is no professed system of
education, which Aristotle thinks should be
the object of legislators, yet the very institutions
of themselves form the characters of the
people according to their own principles. Even the
Roman system, to a certain extent, educated the
people, perhaps, in the only and the best way in
the time they could be educated—and it
was the necessity of a better system, as the people
were under its influence. 'As a school of
discipline (says Hallam), the foundation of
virtue most to be valued.' Under
such circumstances, therefore, any question
of education or punishment
must necessarily be
for a decision of their
in with the *Thucydides*
observation of the
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CHAPTER XX.

CAUSES OF CRIME RENDER CRIMINALS OBJECTS OF PITY.—
 EXTRACT FROM THE PROVERBIAL PHILOSOPHY.—PRISONERS
 THEMSELVES INJURED. — ASSOCIATION WITH THE MOST
 VICIOUS SOMETIMES CORRECTIVE.—EXAMPLES AT NEWGATE,
 AT PRESTON.—EXPERIMENT DANGEROUS.—EXTRACT FROM
 ESSAY OF A CONVICT, WRITTEN IN 1786.—THE SCRIPTURES
 CORRECTIVE. — DISREGARDED BY PRISONERS ASSOCIATED,
 EFFECTUAL WHEN ISOLATED.—EVIDENCE OF INSPECTORS,
 M. M. DE BEAUMONT AND DE TOCQUEVILLE, BARON DE
 CLOSEN.—PERVERSITY OF HUMAN NATURE.—ADMONITION
 AND INSTRUCTION REQUIRED.—EXAMPLES, LAFAYETTE AT
 OLMUTZ, A PRISONER AT READING. — OBSERVATIONS OF
 MASON.—GENERAL OPINION OF CONGRES PENITENTIARE.—
 SCRIPTURAL INSTRUCTION IMPARTS STRONGEST MOTIVES
 TO OBEY HUMAN LAWS.—THE VISCOUNT LIFFORD, THE
 REV. J. CLAY, AND THE KING OF SWEDEN QUOTED.

It has been already observed that the education by which the correction of prisoners is sought, does not consist in the communication of *secular* knowledge; but that *religious truths* are carefully inculcated. Nor must it be supposed that merely teaching the doctrines of our creed is thought sufficient, whilst *training* to the performance of duty is disregarded. On the contrary: reformation of character is sought rather by directing the actions and conduct, than by exciting the intellect or furnishing

the understanding. The education of criminals must be worthless, which does not lead them out of the tracks of folly and vice, into the paths of wisdom and virtue; and any instruction to accomplish this must be directed to the heart rather than the head. Nor must the heart be thought callous and impenetrable, because the acts which have hitherto proceeded from it have tended only to prove its hardness and depravity. The most obdurate offender has a right to our compassion. His hardened condition may have been entirely, and it is not perhaps too much to say, must have been in part the consequence of others' neglect: who can say how often the result of forced contact with criminals more vile than the offender himself, when the heart, though stained with guilt, was tender and susceptible of correction.* Whilst crime therefore

* A careful examination into the previous conduct of criminals confirms this truth to an extent which is often most distressing. Scarcely a day passes but I discover some fresh pitiable victim of prison contamination. In addition to cases already described, I may here mention that a painful proof occurred this day, (Feb. 20.) A man twenty-three years of age was committed yesterday for *sheep stealing*. Presuming that this was not his first offence, I asked him how long it was since he came out of prison. He replied—"I was in Winchester Gaol a *fortnight*, about three years ago, for *leaving my service*,"—then, weeping bitterly, he added—"and 'tis that which has brought me to this. I was put with *twenty-seven* more, and I learnt all that was bad, and I have been going on badly since." Truly it is a cause

demands punishment, it will be well to remember that the circumstances of the criminal claim our pity, and encourage the hope that he may yet repent.

The following lines are transcribed as possessing the force of truth, not less than of humanity :—

“ He that seemeth the worst may have most of real excuse,
For perchance, if thou knewest the whole, and largely with
comprehensive mind
Couldst read the history of character, the chequered story
of a life,
And into the great account, which summeth a mortal's
destiny,
Wert to add the forces from without, dragging him this way
and that,
And the secret qualities within, grafted on the soul from the
womb,
And the might of other men's examples, among whom his
lot is cast,
And the influence of want, or wealth, of kindness or harsh
ill-usage,
Of ignorance he cannot help, and knowledge found for him
by others,
And first impressions, hard to be effaced, and leadings to
right or to wrong,
And inheritance of likeness from a father, and natural
human frailty,
And the habit of health and disease, and prejudices poured
into his mind,

of thankfulness that the magistracy of Hampshire, by reconstructing their prisons, are preventing the continuance of such demoralization.

EXTRACT FROM THE PROVERBIAL PHILOSOPHY. 319

And the myriad little matters none but Omniscience can
know,
And accidents that steer the thoughts, where none but
ubiquity can trace them,—
If thou couldst compass all these, and the consequents
flowing from them,
And the scope to which they tend, and the necessary fitness
of all things,
Then shouldst thou see as He seeth, who judgeth all men
equal,—
Equal touching innocence and guilt; and different alone in
this,
That one acknowledgeth his evil, and looketh to his God for
mercy;
Another boasteth of his good, and calleth on his God for
justice;
So He, that sendeth none away, is largely munificent to
prayer,
But in the heart of presumption, sheathed the sword of
vengeance."*

Surely reflection on the truths above stated may remove the false impression that our criminals are altogether incorrigible, or correct the somewhat more charitable, but still mischievous opinion, that lasting improvement is rarely to be expected. Until recently our treatment of offenders has been founded upon such hurtful errors, and the natural and almost necessary tendency of such treatment having been the further corruption of the guilty, the effects have been regarded as confirming the opinion; whereas they ought rather to have been

* Proverbial Philosophy, 1st series, p. 110.

looked upon as condemning the practice. Let us suppose a parent acting towards an offending child on principles, similar to those which have regulated our management of culprits. Let him associate the offender, of whose frailty he is forewarned, with those alone whose language is abominable, and whose actions are base ; and could he wonder if the delinquent became more vile, and if subsequent correction became more difficult. Would not conduct so irrational and so cruel, entail self-reproach and universal censure ? Who, then, can distinguish between the folly and inhumanity of such a course in a father ; and a like want of caution and kindness, either in the legislator, or in the administrator of the law, who shall pursue a corresponding plan ?

It is possible, indeed, that an offender, whose crime had been occasioned by inconsideration, or by the force of temptation in some moment of unwatchfulness, but whose education had been religious, and general conduct good, might look upon the horrid vices of a prison ward-room with much aversion, and feel so repulsed by the wickedness prevailing that he might shrink from the sight, and endeavour to shun the society. Correction might thus be produced ; and, if the confinement were short, the salutary effect might be permanent. But who, even in this case, would be presumptuous enough to expect such a result ? And who, without guilt, shall dare thus to endanger the principles, and to risk the perdition of a fellow-man ? The

good we have mentioned might indeed be accomplished by the perilous exposure to evil : but how much more probable is it that the culprit should become reconciled to the vices with which he is made familiar, and conformed to the characters with whom he is compelled to associate.* There is a monitory truth in the allegory of Milton, in which he represents Sin as at first forbidding in its aspect, but soon fascinating if kept in sight.

“ ————— back they recoil'd afraid
At first, and call'd me Sin, and for a sign

* No Chaplain can teach more sound and corrective truths, or seek to impress them more earnestly upon the minds of his charge, than the present Ordinary of Newgate. When, therefore, he complains in his last Report (Mich. 1847) that “ whilst much is said about the contamination within its walls, *not a word* is uttered about the large number that reform,” we are sure that the silence on that point must not be ascribed to defect in teaching or want of effort on his part. Other causes we have described fully account for it. But we are told that *many do reform*. We wish that, opportunity being afforded for the successful efforts of the Ordinary, they may, by his means, be multiplied a hundred fold. But surely we must deprecate some of the means at present pursued. I turn to his Report of prisoners in 1846, and there I see a sad, however successful reason, assigned why “ *many reform*.” —“ Among them there are, I believe, genuine reformations. The gaol is not always of a contaminating effect. The language there heard does not in all instances pollute, but creates in *many* a feeling of disgust and aversion, and they leave the prison with a firm determination never to return.”

Portentous held me ; but, *familiar grown*,
I pleas'd, and with attractive graces won
The most averse."*

But even though repugnance to vice might *possibly* be excited by evil companions in the case of the well educated, and with those in whom good principles have been confirmed ; yet an opposite effect must almost necessarily be produced in the

* Paradise Lost, Book ii. p.p. 760-4.

I have lately received from a friend some interesting Essays written by a Convict, and read to his fellow prisoners on board the Dunkirk Convict Ship, dated 1786. The following is an extract from one.—“ At first, perhaps, we may be startled, and fly from the ugly countenance of some new vice we never saw or heard of before ; afterwards, our horror wears away by frequency and familiarity, and we grow less afraid and offended with the enormity of others, and at length take pleasure in their unrighteousness, learn to speak their language, and so conscience by degrees grows hardened, till at last we are ripened for the worst of villainies, and become as bad as the worst. Certainly 'tis as hard to preserve ourselves pure and clean in wicked company, as it is for a man to do so whose business calls him to the most dirty employment, or as it is for a person to preserve a sound and healthy constitution in a place filled with infectious disease. Few or none amongst us can keep ourselves from being infested with little vermin that we catch from others, and it is as difficult, if not more so, to avoid being infected or infested with worse plagues than these. * * * How many amongst ourselves, who were but little acquainted with the different arts of roguery when first committed to prison, have learnt this accursed trade in all its stages from the company they have met with here.”

young and careless, and on those, who though less guilty than others, are uninstructed and less capable of resistance. The dreadful consequences of exposing such to vicious intercourse have been before insisted upon; but the importance of the subject, as bearing upon the present question, must justify our recurring to it. Instead, however, of offering further observations of my own, I refer to one whose testimony is most valuable, not only from his personal talents and character, but from his experience of more than twenty years in the chaplaincy of a large prison:—"I do not mean to say that former times, in this gaol, never produced a case of amendment; far from it;—the very cause which has *ruined many* has wrought a beneficial change in a *few*. Men more thoughtless than wicked, when turned into the 'trial yard,' have been so astounded with the profligacy around them, so horror-struck at the loathsome aspect of human depravity when seen more nearly and in its worst form, that their moral sense has been suddenly and permanently sobered by the shock. But with the *young* and inexperienced it has been otherwise. Unconscious of their danger, they have been allowed to approach the vortex of demoralization, and have been dragged into its depths, without a struggle to escape. Is it not, then, matter for rejoicing that the spirit of wisdom and the spirit of compassion at length pervade our prisons?—I say of compassion, for society is called upon to deal with criminals whose faults

have sprung, in a great measure, from its own neglect.”*

God forbid that as his ministers we should do otherwise than use plainness of speech on a subject so important—so intimately connected with His own glory, and the good of man. To Him indeed our gratitude is now due, that in some of our prisons past errors have been perceived and corrected; and that in seeking by punishment to reform the offending, the christian principles of wisdom and benevolence have been adopted—vicious intercourse has been exchanged for scriptural instruction, and the destructive power of evil example has been replaced by the salutary discipline of religious duties. Thankful we must be that the mistakes described in the following extract no longer prevail amongst us, and that the allowed truths are not now neglected :—“ As personal reformation, to be permanent, must be founded upon christian principles, so no system of prison discipline can be effectual in which religious instruction does not form a prominent part. On the importance of this subject it is impossible too earnestly to dwell. The vice and depravity to be found in every gaol have led to an impression, by far too general, that most criminals are beyond the reach of reformation. Whatever may be the fact, I feel assured that the trial has in few prisons been fairly made. There

* Rev. J. Clay—Chaplain to the House of Correction, Preston—Report, 1845.

can be no limits to the sacred influence of religious impressions upon the hearts of even the most guilty ; and I cannot doubt that, by the employment of measures adequate to the occasion, minds, however hardened, may be raised from degradation, and reclaimed by the power of the Gospel.” *

Fully assured of the truths contained in the foregoing extract, convinced from Divine authority, and I trust from personal experience, that the Gospel is indeed “ quick and powerful, and sharper than any two-edged sword,” that it is the very power of God, employed and blessed by Him for the conversion and salvation of sinners : yet whilst we believe such declarations, and acknowledge the power of the Almighty could render his word effectual under circumstances most adverse, it would surely be presumption to place men, corrupt by nature, and by vicious practices become more opposed to its truths, in any condition calculated only to increase repugnance, and still to expect that the divine precepts should be profitable for their correction. Further evidence need scarcely be adduced to prove that the *association of prisoners* must tend to strengthen that repugnance, and if it be fanaticism to look for miraculous interposition in the present day, and unlawful to do evil that good may follow, then truly it is difficult to conceive how the advocates of such a system can escape the charge of such fanaticism, or of a worse offence.

* W. Crawford, Esq.

PRISON DISCIPLINE.

we deprecate a course so presumptuous
we rejoice in the assurance that the
prisoners affords an opportunity most
for the lessening of this natural, and
cherished aversion ; and presents ad-
conveying the scriptural instruction,
it is reasonably hoped repentance shall

be produced. I quote on this subject some striking observations of the Inspectors of Prisons for this district:—"If ever there was a season in which advice and instruction would be profitably given—if any circumstances can be imagined calculated to impress with salutary effect the warnings and encouragements of religion upon the mind—it must be those of the convict in his solitary cell, where he is unseen and unheard, and where nothing can reach him but the voice which must come to him, as it were, from another world, recalling to his awakening conscience, truths to which it had long been a stranger, and to which, but for this salutary treatment, it might have continued a stranger to the last. This impression, under the system of which we are speaking, is not likely to be effaced from the prisoner's mind so long as his confinement continues. The solemn thoughts which occupy him at one time, are not liable to be interrupted or effaced by the occurrence of scenes of social activity or laborious bustle. The quiet monotony of his prison life tends but to give permanence and effect to these occasional meditations, and to

render them subsidiary to the efforts of his instructors as often as they visit him for the purpose of directing his thoughts into a serious and profitable channel, and of calling upon him to engage in the ordinary services of the day.”*

Others have observed the same happy effects; thus M. M. de Beaumont, and de Tocqueville remark concerning prisoners thus situated, that—“Their hearts are generally found ready to open themselves; and the facility of being moved renders them also fitter for reflection. They are particularly accessible to religious sentiments. One who enjoys the intercourse of society is perhaps incapable of feeling the whole force of a religious idea thrown into the lonesome cell of a convict, and how great must be the influence of wise and pious exhortations on their mind.”†

This argument was strongly urged in favour of the Separate System by the Baron de Closen, at Frankfort—“I maintain,” said he, “that private and individual instruction is in general by far the most efficacious. The great advantage of the Separate System is that the influence of religion is gradually instilled into the soul of the prisoner. A more vivid impression is produced upon an individual when he is addressed as such, and it produces infinitely more effect.”

It must not however be supposed that reflections

* Third Report, p. 16.

† *Système Pénitentiaire*, &c.

depravity of men ; and whilst we discern a resemblance in the effect produced by human legislation, to that which results from the perfect law of our Maker, let it silence objections and sanction approval.

It will be inferred from the foregoing remarks that the advantages of the system pursued, as respects the reformation of the convict, may be entirely lost—that evil instead of good may ensue, since the temporary check to the stream of vice may only cause its increase in the heart—that common reservoir of evil,—to burst forth with greater rapidity and more destructive force when the restraint shall be removed. Such would be the probable consequence of consigning the prisoner entirely to his own corrupt imaginations, and leaving him an unwarned and unresisting victim to those temptations to which reference has been made. “This punishment,” says Lafayette, “does not reform the guilty. I have passed several years in solitude at Olmutz, where I was detained for having made a revolution ; and in my prison I dreamed but of new revolutions.” Crime and disloyalty might both be induced were the prisoner thus left to himself. But it is far otherwise, when the criminal has the Bible and the Prayer Book constantly before him, is frequently visited by those who encourage their perusal, recommend him to watch against temptations, point out their danger, and advise him to pray for strength to resist and subdue them,—when not only are serious thoughts suggested, but the mind is enlightened by instruc-

tion, the conscience aroused, and in addition to that private devotion, which none can interrupt, daily attendance on the more public ordinances and means of grace is permitted. Surely under circumstances so favourable, and opportunities, which few can possess, it is not presumptuous to hope, that notwithstanding original corruption and aggravated guilt, the means of divine appointment, accompanied by that blessing which we are taught to pray for and expect, shall prove sufficient to correct the offender by changing the heart and controlling the actions, and thus effectually reforming the character.

Let an example confirm the opinions expressed.

A convicted prisoner one day, when I was conversing with him in his cell made the following observations, which I noted in my journal immediately after leaving him:—"When you and your school-master visited me, for some time I used to hate to see you, but I shall ever be thankful for the instruction given me. What a blessing it is that I was put in this cell with nothing but my Bible, and could not get away from it! For the first three or four weeks I used to take it up and throw it down again, and curse it: but I could not help taking it up; and what a blessing it has turned out! I seem to have been brought here that I might read the Bible, and now I believe it. I shall for ever bless God that I was brought to this punishment."*

* "I have since received a most pleasing account of this criminal; and in a letter to me, satisfactory in every respect,

It may then be observed that the isolation of prisoners demands a due provision for religious discipline, both by inculcating the truths of Scripture, and leading to observe its precepts in the actual discharge of duty. It would be vain to expect that profitable thoughts or good resolutions should spontaneously arise in the mind of the ignorant and depraved victim of his own vicious propensities;* or that having hitherto been “blinded by

he writes—“I have to thank you for the kind instructions which I received under you in the ways of godliness, to which I was a stranger. I have had many trials, have been mocked and scoffed at, but the Almighty has given me strength to stand, and I hope he will never let me go astray again. I do not know how to express myself with regard to your kindness, and to all in the gaol with whom I had any concern—the schoolmaster, and the officer that was over me,—and I hope, if we do not meet again upon earth, we may all meet in heaven. * * Do remember me in your prayers, as I need the prayers of all good men, to help me to stand fast in the fear and love of God.”

* The following observations of Mason set forth the importance of suggesting profitable thoughts to criminals when alone, since they have but little self-command:—“It is of as great importance for a man to take heed what thoughts he entertains, as what company he keeps; for they have the same effect upon the mind. Bad thoughts are as infectious as bad company; and good thoughts solace, instruct, and entertain the mind like good company. * * As in the world we oftener light into bad company than good; so, in solitude, we are oftener troubled with impertinent and unprofitable thoughts, than entertained with agreeable and useful ones. And a man that hath so far lost the command of himself,

Satan and led captive by him at his will," the mere change of circumstances should incline him to seek spiritual freedom, to forsake his vices, and thenceforth to persevere in a straightforward course of godliness and honesty. Recourse must be had to the means and instruments of God's appointment, or we have no right to expect that "the hearts of the disobedient shall be turned to the wisdom of the just." The Gospel, with its precepts, its warnings, and its promises, must be not only taught in the letter, but applied in its spirit; or whatever human pride or folly may suggest, any system of punishment, whether most severe, or apparently merciful, must fail in accomplishing the end proposed. If this only legitimate, and only adequate means of lasting correction be neglected, disappointment must ensue.* On the other hand, let the criminal be

as to lie at the mercy of every foolish or vexing thought, is much in the same situation as a host, whose house is open to all comers, whom though ever so noisy, rude, and troublesome, he cannot get rid of; but with this difference, that the latter hath some recompence for his trouble, the former none at all, but is robbed of his peace and quiet for nothing. * * * It is a very dangerous thing to think, as too many are apt to do, that it is a matter of indifference what thoughts they entertain in their hearts, since the reason of things concurs with the testimony of the Holy Scriptures to assure us, 'That the allowed thought of foolishness is sin.'" (Prov. xxiv. 9.)—*Self Knowledge, part i. chap. xiv.*

* The unanimity of sentiment which prevailed on this point at the late Congr s P nitentiaire was most gratifying.

shewn that the law of the land he has violated is sanctioned and enforced by the commands of the Almighty—let the knowledge of sin be produced, by comparing his conduct with the only standard of perfection—let his conscience be thereby convinced, and his fears excited, and a restraint will be thus put upon open transgression to an extent which no mere imprisonment, or other penalty, could possibly effect. Human laws can but punish the crime, and perhaps by their severity prevent the repetition of

The words of M. Mollet, the secretary of the Society for the Improvement of Prisons in Holland, seemed to express the general conviction:—"The influence of religion upon the prisoners is of the utmost importance. There is no morality without religion. * * * They ought to read to the prisoners the New Testament, and to explain its spirit with simplicity, to excite in them faith towards their Saviour, and a sense of duty. It is well also to procure for them besides religious books, other good works upon divers subjects, to give them a clear idea of what is passing around in the world, for ignorance and superstition are the cause of much crime."

How valuable, too, on this point, is the testimony of de Beaumont and de Tocqueville:—"La religion est-elle encore aujourd'hui un des éléments fondamentaux de la discipline et de la réforme: c'est son influence qui produit seule les régénérations complètes; et même à l'égard des réformes moins profondes, nous avons vu qu'elle contribue beaucoup à les faire obtenir.

Il est à craindre qu'en France cette assistance religieuse ne manque au Système Penitenciaire."—*Du Syst. Penit.*—*Deux. part.*—chap. ii.

that particular offence for which the culprit has suffered ; but it is the peculiar province of religion and the fear of God, to erect as it were a tribunal in the heart, before which secret thoughts of wickedness are arraigned, so that temptations either prove abortive, or vice is condemned in its very birth. The doctrines of Scripture, and the dictates of a conscience enlightened thereby, enforce submission to the ruler and observance of the law, by elevating the authority far above any dignity which this world could of itself confer ; representing one as God's ordinance, and the other as his delegate, and thus admonishing all, that disobedience and resistance will be dealt with as rebellion against Him, who must be feared as having power not only to punish and "kill the body, but to destroy both soul and body in hell."

Is it further the design of punishment not only that the offender should "cease to do evil," but that he should also "learn to do well;" to open his eyes and "to turn him from darkness to light, and from the power of Satan unto God?" It is the Gospel alone which can impart the motive or point out the means by which this may be accomplished. It proclaims "deliverance to the captive, the recovery of sight to the blind,* and liberty

* The mild spirit of our laws which forbids the barbarous cruelty to which a reference is made in this passage, must also encourage the application of this only remedy for spiritual blindness.

to them that are bound ;” and it is by convincing the sinner that it is adapted to his circumstances, suited to his necessities—providing “plenteous redemption,” offering pardon for past transgression, strength under present infirmity, and encouragement if sin be forsaken, that an inducement to amend is presented, far more powerful than that of fear, and much more effectual than punishment. Love towards his Maker and Redeemer will by such

With respect to this illustration of the blessed effects of the Gospel, Calmet observes—“Because the customs of our country do neither authorize nor tolerate the maiming of a criminal by way of punishment, we are (happily for us) incapable of entering fully into the spirit of several passages of Scripture ; for instance, those which speak of blindness by a forcible extraction of the eye itself.”

It is a punishment constantly used in the east for rebellion or treason. Hanway narrates—“As we approached Astrabad, we met several armed horsemen carrying home the peasants whose eyes had been put out, the blood yet running down their faces.”

Another writer, also referring to the passage we have quoted, remarks—“In the East, anciently, it was the custom to put out the eyes of prisoners. Thus Samson was deprived of sight by the Philistines, and Zedekiah by the Chaldees. It is well known that cutting out one or both of the eyes has been frequently practised in Persia and other parts of the East as a punishment for treasonable offences. To the great work of restoring eye-balls to the sightless by the Messiah, the prophet Isaiah probably alludes in his beautiful prediction cited by our Lord, and applied to himself.”—Luke iv. 18.—*T. Hartwell Horne’s Introduction, Vol. iii. p. 150.*

means be enkindled in the heart of the prisoner, and that constraining principle shall thenceforth influence his life. Human vengeance, as it is forbidden by Divine Wisdom, can never be productive of good. It may forge its chains but it cannot controul the will ; it may subdue but cannot soften : and when it can be no longer inflicted, will be found only to have communicated of its own vicious character ; to have created or increased a spirit of revenge towards all rightful authority ; and to have corroded, irritated, and hardened its victim for the commission of many, and more atrocious crimes. Men are naturally prone to avenge wrong. If injured, to retaliate is the first impulse ; and how slowly do we learn truths which are contrary to our inclination ! But if the lessons of experience and of inspiration be instructive, surely we should acknowledge that neither fear, nor force, nor severity, can convert the offender, or prevent crime. A means more powerful must be employed. With punishment there must be persuasion ; with chastisement, instruction. We must lead the guilty to his God, and teach him not only His *law*, but His *love*. It is the sense of this which will constrain. The love of God taught, received by faith, and felt, begets its like, ensures cheerful submission, and renders obedience certain. Whilst, then, men of the world—Christians by profession, but infidels in practice—may scoff, and, in that wisdom which is “ foolishness with God,” may attempt other methods of correction which must fail,

as hitherto they notoriously have done, our hopes of effecting the criminal's reformation, we repeat, are founded on that scriptural instruction and religious discipline for which the system of separation is so favourable.* It is not by the imprisonment or punishment itself that this purpose is effected, but by the opportunity thereby afforded for the performance of what is plainly the duty of legislators and other authorities, and is esteemed a privilege by those who desire to be the ministers of God for good—making known to the guilty that “grace of God that bringeth salvation; teaching us that denying ungodliness and worldly lusts, we should live soberly, righteously, and godly in this present world; looking for the blessed hope, and the glorious appearing of the

* I thankfully confirm my statement by the opinion of a christian nobleman, to whose strenuous advocacy of Separate Confinement we are much indebted.—“Our Church tells us man in his natural state is inclined to evil, and our gaols now put him in the way to favour this corruption of his nature. The object of the new discipline is to remove him from evil association, and to bring him within the sound and the influences of those truths and of those ministrations by which alone, humanly speaking, he can be turned to God.”—*The Viscount Lifford—Reply to Sir P. Laurie.*

And I further corroborate my own opinion in this respect by that of my friend and experienced fellow chaplain, Mr. Clay, who at the Congrès Pénitentiaire at Frankfort said—“After twenty-five years experience as chaplain to a prison in which the inmates were associated, I have been brought to this conclusion, that *religious instruction without separation is altogether impossible.*”

great God and our Saviour Jesus Christ ; who gave himself for us that He might redeem us from all iniquity, and purify unto Himself a peculiar people, zealous of good works." *

With feelings of more than ordinary pleasure I transcribe the ennobling sentiments of the King of Sweden on this subject:—"The religious instruction of the prisoner is the most certain foundation on which all improvement must be supported, the root from which all regeneration must proceed, in order to possess freshness, and to bear good fruit. Without this all outward change in the prisoner's conduct is only hypocrisy ; his mind remains as hardened as before, having made progress only in cunning and artifice." * * * The Chaplain ought not to neglect to gain the confidence of the prisoner by private conversation in the cell, zealously

* Facts tend to confirm the conviction that Separate Imprisonment, without this Scriptural education, must prove ineffectual. Of the twenty-six prisoners kept for a long time in the solitary cells of the Auburn prison, where no provision was made for religious instruction, *fourteen were recommitted soon after their discharge.** What a contrast to the effect of similar confinement as shown in Howard's description of the Swiss prisons. May we not also account for the increased number of criminals in Herefordshire from a like cause. Not that the instruction in the gaol of that county is defective, but the advantages which might be derived from it are prevented by the oppression and irritation of tread-wheel labour. Correction appears, humanly speaking, incompatible with such a punishment.

* *Système Pénitentaire*, p. 91.

to endeavour to overcome his obstinacy, and to encourage with kindness his first steps on the path of improvement. The criminal, in his solitary dwelling, delivered up to agonizing remembrances and gloomy reflections, should consider his minister as a messenger of peace, a mediator between repentance and heaven. If this beautifully christian calling be entered into with clear views, and executed with spiritual warmth, the effects will be attended with greater blessings than many probably imagine ; *if religion speak in vain, there is no longer any hope of improvement.*"*

* Punishments and Prisons, p.p. 126, 127.

CHAPTER XXI.

ADVICE AND INSTRUCTION SHOULD BE SUITED TO CHARACTER AND CIRCUMSTANCES OF INDIVIDUAL. — THE SEPARATE SYSTEM REQUIRED FOR THIS.—PERSONAL APPLICATION OF HOLY SCRIPTURE.—READING AND ATTENDANCE AT DIVINE SERVICE BECOME PLEASANT AND PROFITABLE.—DEMEANOUR OF PRISONERS DURING PUBLIC WORSHIP, AND SUBSEQUENT PROOF OF ATTENTION. — CRIMINALS SELDOM REFLECT. — ISOLATION NECESSARY FOR REFLECTION.—BISHOP JEREMY TAYLOR AND ARCHBISHOP TILLOTSON QUOTED.—STATEMENT OF A PRISONER, OF WRITER IN ENCYCLOPEDIA AMERICANA, OF MADAME DE STAEL.—THE SEPARATE SYSTEM COMPELS REFLECTION.—GRATITUDE EXCITED.—GOD'S OMNIPRESENCE AND PROVIDENCE TAUGHT.—SUCH TEACHING CORRECTIVE.

IN our ministerial warfare against the vices and perverse inclinations of prisoners, the weapon of God's word must be aimed at the vulnerable part, and at the proper time, or we cannot expect the needful wound to be produced. The healing balm must also be applied when the sufferer is prepared to receive it, or the temporary relief will create lasting mischief. From the bow drawn at a venture the arrow of conviction may indeed penetrate the conscience, and we believe, and rejoice in the assurance, that we cannot set limits to the power of the Gospel, or to the grace of God ; yet it is evident that the sword of the Spirit, directed to the indivi-

dual, pierces the heart more frequently, and produces the deeper and more permanent impression.

Again, as with secular instruction, the particular branches of learning must separately occupy attention, in order that general knowledge may be obtained ; so that religious education of the criminal, which alone can reclaim him, must consist not only in teaching him the doctrines of Scripture, but also in directing him to the performance of particular duties, that general reformation of character may be effected. These several portions of meat must be administered "in due season," and no argument need be adduced to prove that the separation of the prisoner is needful, in order that the appropriate lesson—the admonition suited to his state of mind, or the exercise most required—may be successfully enforced.

Nor is the importance of isolation less evident as conducive to the personal application of the sacred Scriptures, so large a portion of which is committed to memory by the criminal in his seclusion. Secured from the mockery and interruption of any who might divert his mind by ridicule, or by more violent persecution thwart his efforts, he is enabled to "read, mark, learn, and inwardly to digest" those precepts which are profitable for his "correction and instruction in righteousness."* The remarks

* "A young man who, *after* his trial, appeared to have received much benefit from his opportunities for self-exami-

elsewhere made, as to the love of industry being induced by the relief which employment affords, are likewise applicable in a great measure to our present subject. Debarred from evil communications, the prisoner becomes conversant with his Bible. Hours which would have been otherwise wearisome are spent in its perusal, and whilst it prevents despondency it proves attractive. The truth being thus received in the love thereof regulates the life, and the sinner becomes wise unto salvation.

Similar observations may be made with respect to the attendance of the prisoners at Divine Service. It is a relief, and ideas of pleasure are associated with the duty. As far as human agency can prepare the mind, the opportunity for solemn reflection in the cell beforehand, and the welcome summons to the church, tend to promote the suitable worship. The outward conduct of those criminals who have been any length of time in prison, on these occasions is most devout. The manner in which they give the responses, and unite in the appropriate service of the Liturgy, might well be imitated by many a congrega-

nation, said to me, "The Bible is a very different thing *here* (in his cell) to what it was in the *trial yard*. The men there used to read a few verses and laugh; and then pitch the book to the other side of the place. There should not be a trial yard at all. It encourages men in badness more than anything, &c. Thank Heaven, men can no longer provoke each other to profligacy like this."—*Report of the Chaplain to the Preston House of Correction, 1845.*

gation perhaps less guilty in general, but in this respect more chargeable with neglect. The attention which is also paid by prisoners when the Scriptures are read and explained, is most satisfactory ; frequent references to the subjects brought before them are subsequently made, together with remarks which show that more than a transient effect has been produced.*

The absence of reflection in very many criminals must be frequently observed. Ignorant of motives

* Well, indeed, may the zealous Ordinary of Newgate wish for Separate Confinement, that a like opportunity might be afforded to the prisoners under his charge ; and earnestly do I desire that in that metropolitan prison, which should be a model to the world, such a plan may be adopted as shall there prove the truth of the opinion he has expressed—“ True religion is the only teacher of right feelings and good principles. No system is so suited for teaching persons the knowledge of the letter of Scripture as keeping them by themselves. I make a daily address to the prisoners of Newgate in the chapel, after reading prayers and a portion of Scripture, as required by law. Of the good effects of the quarter of an hour thus spent in teaching the plain leading principles of Holy Scripture, I have had hundreds and hundreds of proofs. But how much better would be the effect if these prisoners were quite by themselves for a while, and had no one at hand, by idle, loose, and profane talk, to undo what has just been done in the house of prayer ? Where there is a tendency to penitent feeling, Separate Confinement greatly encourages such a sentiment, and we ought to be very anxious, as much as possible, to cherish hopes of genuine reformation, which must always thus begin.”—*Report, Mich.* 1847.

which might restrain, they act upon impulse ; regardless of consequences, their hopes and fears extend not beyond the present hour ; the least temptation prevails, because they are strangers to any principles which might dispose them to resist, and destitute of that strength which might enable them to withstand. Their condition and claims upon our compassion are thus described by Jeremy Taylor, who says—" Very many men *never consider* whether they sin or not in ten thousand of their actions, every one of which is very disputable, and do not think they are bound to consider : these men are to be *pitied and instructed* ; they are to be called on to use religion like a daily diet : their consciences must be made tender, and their catechism enlarged. Teach them, and make them sensible, and they are cured."*

To the same effect, Archbishop Tillotson observes—" Sin is a foul blot upon our prudence and discretion. '*Omnis peccans aut ignorans est aut incogitans,*' is a saying, I think, of one of the schoolmen, (as one would guess by the Latin of it)—*Every sinner is either an ignorant or an inconsiderate person.* Either men do not understand what they do, when they commit sin ; or if they do know, they do not actually attend to and consider what they know. Either they are habitually or actually ignorant of what they do ; for sin and consideration cannot dwell together :

* Jeremy Taylor's Sermons, vol. iii. p. 12.

'tis so very unreasonable and absurd a thing, that it requires either gross ignorance, or stupid inadvertency, to make a man capable of committing it. Whenever a man sins, he must either be destitute of reason, or must lay it aside or asleep for the time, and so suffer himself to be hurried away, and to act brutishly, as if he had no understanding. *Knowledge and considrration* would cure a great part of the wickedness that is in the world ; men would not commit sin with so much greediness, would they but take *time to consider* and bethink themselves what they do.”*

Admitting the truth of the above remarks, surely the excellence of our prison discipline must be evident. It gives the needful time for consideration ; it provides the necessary instruction ; whilst care is taken to instil those principles to which we have referred as alone effectual in restraining crime, and *reforming the character*.

“ ————— Souls

Numerous are restored to God, the state,
Themselves, and social life, by SOLITUDE ;
Devotion's parent, Recollection's nurse,
Source of repentance true ; of the mind's wounds
The deepest prober, but the safest cure !

How valuable on this point are the arguments, resulting from experience, of the writer in the *Encyclopædia Americana* :—“ This great object (oppor-

* Tillotson's Sermons, cix. fol. ed.

tunity for reflection) can only be obtained by separate confinement. The greatest step, we believe, which a convict of the common sort can make towards reformation, is from thoughtlessness to thoughtfulness. Few of those committed to prisons are accustomed to think ; it was for want of thought that they became guilty. Surrounded as they are, in the Auburn system, by a variety of objects during the day, they cannot feel the same inducement to reflection as under the pressure of constant solitude. It is difficult, even for a man accustomed from his youth to reflection, and to a mode of life which offers a great variety of objects and subjects, to entertain himself in long-continued solitude. He must occupy his mind with himself. The writer may be permitted to refer to his own experience, having been imprisoned for a considerable period, during a time of political persecution ; and, though he was not haunted with remorse, and had more resources, from the habits of his past life, than can fall to the lot of most of the inmates of prisons, he can testify to the power with which solitude forces a man to make *himself* the subject of his contemplations. A power which can hardly be realized by one who has not felt it. How strongly must it operate on the common convict ! Deprived of most of the resources of educated men ; constantly reminded of the cause which brought him into this situation ; undisturbed by any distracting objects ; enveloped in silence—he needs must *think*.

“ When he has once begun to reflect, he must come to the conclusion that virtue is preferable to vice, and can tranquillize his troubled mind only by resolving on reformation ; he must at last seek comfort in the mercy of that Being who created him in his goodness, and who will receive him, notwithstanding his guilt, if he is sincere in his repentance.”

The following observations made by one of a gang of sheep-stealers, who was committed to Reading Gaol some months before his trial, may illustrate what has been written :—

“ I shall always thank God that I have been brought to this gaol, for if I had not I should have gone on in the same way as those five men with whom I have been committing so many sins. I had been told that there was a God, but I never cared about him, and I never thought about my sins or what they would bring me to. But I do now see that I should have been lost for ever, and if I am transported, or whatever is done with me, I shall thank God that I was brought here, and that I am not now able to go on in the same way as those poor men who were as ignorant as I. I hope I shall now escape that dreadful punishment to which we were all going fast. A little time before I came here the parson called me and reasoned with me, but I did not care then for what he said, and laughed at it with my companions,”

Madame de Staël tells us that “ it was in the solitude of the Bastille that she first became acquainted with herself,” and similar declarations with reference to their seclusion are often made by the inmates of our gaol. Rejecting all the cruelties of the Bastille, much more favourable is the opportunity

which the isolation of our prisoners affords them for that self-examination so needful for all, but so commonly neglected. It is an act of discipline frequently urged upon them, often performed, and always profitable. Nilhil æque proderit, quam quiescere, et minimum cum aliis loqui, et plurimum secum.* Daily are references made to former guilt, and often does the self-condemning convict reverting to his past career of crime, call to mind and mention the first open transgression whence he dates his departure from the paths of peace, and traces his succeeding course of wretchedness and vice. The reproof of friends, the struggles with his own conscience, his past thoughtlessness and folly, with the conviction that present punishment is deserved, now crowd upon his recollection, and no diversion or indulgence can longer prevent self-reproach. Well might the poet describe the secluded criminal as speaking—

“ Of friends whose worth I can appreciate now ;

Oft I perceived my fate, and then could say,

I'll think to-morrow, I must live to-day :

So am I here—I own the laws are just—

And *here*, where thought is painful, *think I must*.†

Such reflection, and a retrospect thus painfully accompanied by a sense of present shame and sorrow is surely calculated to embitter sin and to prevent its repetition. Nor are these the only proper feel-

* Seneca, Epistle xvi.

† Crabbe's Poems, letter xxiii.

ings produced by the review of past offences. The sparing mercy and the unmerited goodness of God are often considered and lead to repentance. With the remembrance of crimes which might have provoked the everlasting wrath of Heaven, the culprit is induced to contrast his condition with what it might have been, and must have been, had not deserved vengeance been withheld. Reflection on the long-sufferance of the Almighty excites his gratitude, and with the fear of again offending, the stronger principle of love constrains to obedience. Most promising is the sense of sin, the consciousness of deserved and more dreadful punishment; the gratitude expressed and proved sincere by the tear of penitence; the resolution of amendment accompanied by prayer. Such results of Separate Imprisonment (for rarely are they discerned under any other system) are not only pleasing signs of improvement already effected, but afford a cheering pledge of perseverance in a better course. The words of a prisoner which I here insert do but represent the sentiments of many :—

“ I am sure that coming here has done me good. If ever any one repented, I do now. I went on well till I was persuaded once to go poaching. I used then to meet some bad fellows at the beer-house, and then I soon got as bad of any of them. What you said about sabbath-breaking too in the sermon yesterday came home to me, and I felt condemned. I thank God for having brought me into trouble, instead of letting me go on in my wickedness; and I thank Him a good many times a day that I am not in hell's prison instead of here, where I know I deserve to be.”

One expression in the foregoing extract from my Prisoner's Character Book must be the subject of further remark :—" I thank God," says the prisoner, " for having brought me into trouble, instead of letting me go on in my wickedness." A declaration of gratitude on such account, although justly due, few perhaps would expect to hear from the lips of a convict ; yet similar expressions, the effect of reflection, and the earnest of reformation, every day cheer me in the discharge of duty. I am often reminded of some remarks made by that acute observer of human nature, to whose writings I have several times referred :—" The person himself, who either from passion, or from the influence of bad company, has resolved, and perhaps taken measures to perpetrate some crime, but who has fortunately been prevented by an accident, which put it out of his power, is sure, if he has any remains of conscience, to regard this event all his life after as a great and signal deliverance. He can never think of it without returning thanks to Heaven for having been thus graciously pleased to save him from the guilt in which he was just ready to plunge himself, and to hinder him from rendering all the rest of his life a scene of horror, remorse, and repentance. But though his hands are innocent, he is conscious that his heart is equally guilty as if he had actually executed what he was so fully resolved upon. It gives great ease to his conscience, however, to consider that the crime was not executed, though he

knows that the failure arose from no virtue in him. The remembrance how much he was resolved upon it, has no other effect than to make him regard his escape as the greater and more miraculous : for he still fancies that he has escaped, and he looks back upon the danger to which his peace of mind was exposed, with that terror, with which one who is in safety may sometimes remember the hazard he was in of falling over a precipice, and shudder with horror at the thought.”* Surely we may hope that a system of imprisonment which produces such effects exciting feelings of sorrow and fear, and gratitude and affection which call forth resolutions in accordance, must be corrective.

These feelings are not confined to a few prisoners. Thousands of letters which pass through my hands, written to friends and relatives, shew that such sentiments prevail to a great extent. The following extracts from a letter, written within the last week by an intelligent prisoner, may afford a further proof of this :—

“ I do really hope and trust that a sincere radical change of heart has been effected in me ; a change which has, and I trust will show itself in all my actions. I know that those things which I once loved now I hate. When I look back upon my past life, I cannot but regard myself as a monument of the long-suffering of God. * * * When I first came here I had much time for reflection, it was then that I became acquainted with the piercing spirituality of God's law, which regards not only actions but motives, and

* Adam Smith—Moral Sentiments, part ii. sec. 3.

my utter inability, unassisted by His grace, to fulfil it; this occasioned much mental distress, whilst in that state of my mind I thought, if God had meant to destroy me, would he have shown me these things? * * * * It was not long before I acknowledged my own vileness, and pleading the merits of my Saviour, took refuge in Him. I cannot say that I have those feelings which some profess, but I have peace to which I have been long a stranger. This has not been without a struggle. * * * I hope, and trust, and believe, that my conduct when at liberty will not be at variance with this profession. Yet whilst I rejoice, 'tis with fear and trembling. I know in whom I have believed, and I know that he is, and will be, faithful; my fear is from myself. I feel that unless I keep close to Him I shall again fall; but I rejoice that the secret lifting up of the heart to Him is never in vain. Have I not then much cause for thankfulness!"

Since so large a portion of the prisoner's time is spent in solitude, it is thought very important that he should be deeply impressed with the knowledge of God's omnipresence. It is a truth awful at all times, but rendered increasingly so by the circumstances of the criminal. In his case a salutary dread leads to solemn reflection, and often to the exercise of those duties, by means of which alone the character can be permanently improved. As sins innumerable are committed, because men are unmindful and regardless of this truth, "living without God in the world," since "He is not in all their thoughts," so it is hoped that by frequently referring to this attribute of the Deity, the remem-

brance will be retained, that vice will in consequence be checked, and the future conduct corrected."*

If the presence of a superior from amongst our fellow-creatures tends to restrain folly and to prevent offences, then, surely, the mind taught to realize the omnipresence of the Creator must learn to regard crime in its true character. Living as in the sight of One who "is of purer eyes than to behold iniquity," the offender will look upon guilt as disgraceful, and therefore shrink from its defilement. The powerful effect of solitude in exciting these corrective impressions induced one of our poets to describe it as

" — the felt presence of the Deity ;"
and speaking of the just estimate then formed of things forbidden, he adds—

" Few are the faults we flatter when alone :
Vice sinks in her allurements, 'tis ungilt."†

A felon who has been three times in other pri-

* " Certainly, if men would always actually consider, and really esteem this truth, that God is the great eye of the world, always watching over our actions, and an ever open ear to hear all our words, and an unwearied arm ever lifted up to crush a sinner into ruin, *it would be the readiest way in the world to make sin to cease from amongst the children of men.* * * * For it is a great necessity and engagement to do unblameably, when we act before the Judge, who is infallible in his sentence, all-knowing in his information, severe in his anger, powerful in his providence, and intolerable in his wrath and indignation."—*Jeremy Taylor—Holy Living, sec. iii.*

† Young. Night Thoughts. Night 5.

sons, but now shews many pleasing signs of penitence, when a few days since he was reminded of this truth, observed that he could now enter into the feelings which made the patriarch say what he had read in Gen. xxviii. 16, 17, and the reasons he gave were so good that I desired him to write them down, and support them by other portions of Holy Scripture. He accordingly wrote a paper, of which the following is a copy :—*

At all times and in all places the dread of God should be on our minds, but more especially in solitude, as I then feel, although no human eye is upon me, God is present and observes all my actions and knows my most secret thoughts.

Psalm iv. 4.	Psalm cxxxix. 1—12.	1 Sam. ii. 3.
— xi. 5.	Prov. xv. 3.	Jerem. xvi. 17.
— xxxiii. 18.	Eccles. xii. 14.	Rom. viii. 27.

Solitude is particularly suitable for sincere and earnest prayer, 'as we then hold communion with God by His condescending to be present to support and assist us by His Spirit.

Matt. vi. 6.	James iv. 8.	Psalm l. 15.
Luke xi. 13.	Psalm iii. 4.	— cxlv. 18, 19.
Rom. viii. 26.	— xxxiv. 15—18.	

Conscious of being ever in his sight, I must approach Him with those feelings of fear, which constrain me to keep His commandments.

Exodus xx. 20.	Proverbs i. 7.	Eccles. viii. 12.
Matt. x. 28.	— iii. 7.	— xii. 13.
Ps. xxxiv. 11, 14.	— viii. 13.	Luke xii. 4, 5.
— cxi. 10.	— xiv. 27.	Ps. cxii. 1.

* It has been already stated that it is the practice of the Chaplain to give the prisoners exercises of this kind on the various doctrines and duties enforced in Scripture. Other examples are given in the Appendix.

Reasons I have for the hope that this place may prove to me
the gate of Heaven.

Because previous to my coming here, I was living entirely
without God in the world.

Psalm x. 4. Psalm xiv. 1. Psalm xxxvi. 1.
— lviii. 3, 4, 5. — xcii. 5, 6. Ephes. ii. 12.

Because since coming to this place, and being separated
as it were from the world, I have been enabled by God's
assistance to commune with my own heart, and to see its
sinfulness and depravity.

Gen. vi. 5. Jer. xvii. 9. Ephes. ii. 2, 3. Psalm li. 5.

Because I have had set before me the way and means
whereby I may be saved from the punishment my sins
deserve.

Matt. vii. 13, 14. John iii. 16, 17. Psalm l. 23.
— xi. 28, 30. Acts iv. 10, 12. — li.
— xviii. 3. — xvi. 30, 31. — lxxvii. 1.
Luke xiii. 3, 5. 1 Tim. i. 15.

Because it has wrought in me a fixed determination to
amend my former wicked life, and by God's help to live
henceforth in obedience to his commandments.

Ps. xvi. 8. Ps. xvii. 5. Ps. xviii. 5, 6. Ps. li. x. xiii.
— lvi. 12, 13. — lxvi. 12. — cxix. 5, 7, 18, 27, 29, 32,
35, 38, 67, 68, 71, 88, 106, 115, 116, 120, 133, 151, 173, 176.

Another consideration, which it is our endeavour
to impress upon the mind of criminals, is that of
the universal providence of God. The disregard of
this truth is the fruitful source of dishonesty. On
the other hand the recognition of Almighty power
in every dispensation, the habit of tracing occur-
rences to God's overruling sovereignty, and of
acknowledging Him to be the giver of every good

that is acquired, must surely impose a salutary check upon any attempt to make provision by means forbidden, and encourage a return to a course of industry and uprightness whereupon his blessing may be expected. The pride and natural self-sufficiency of men continually prompt to acts of disobedience and encourage the temptations of our spiritual foes ; but let a man be humbled by Scriptural instruction, and taught his entire dependence on a Being of infinite holiness and love, and the truth must tend alike to prevent dishonesty and to forbid despair. Nor if taught with discretion will the doctrine be abused. No presumptuous idleness will be engendered if the inseparable connection between the precepts and promises of Scripture be clearly pointed out and explained—if it be shewn that the same gracious power which provides food for the hungry, enjoins that “if a man will not work neither should he eat,” and commands men to work with their own hands, and to walk honestly, that they may have lack of nothing.”

In order practically to enforce these important truths it has been thought right to furnish the cell of every prisoner with a Grace suitable to be repeated before and after meat, and it is pleasing to observe how generally the duty of saying it is performed. To some persons such a fact may appear of trifling importance, but knowing, as we do, that habits are contracted, and the character formed by a succession of acts which individually may seem to be of little

moment, the mistake of regarding any with indifference must be evident. In proportion then to the importance of inculcating these corrective truths, must the further advantage of separate confinement be acknowledged. I need not say that amongst the companions of a Prison Ward the suggestion of a superintending Providence would be despised, and the act which should recognise divine power and goodness would excite ridicule and scorn.

Other particulars connected with religious instruction might be referred to, but it may be sufficient to state, that if attention to the truths taught and observance of the duties enjoined are calculated, as without doubt they must be, to effect reformation of character, then as certainly we may hope that a very large proportion of the criminals subjected to separate imprisonment for a few months, will afford proof by their future life that the punishment is wise, humane, and just, because most corrective. Much more might be said concerning the gratitude which is expressed and evidently felt by prisoners as well during the term of confinement as afterwards. Rarely, indeed, do I leave a cell without the thanks of its inmate, and many are the pleasing testimonies I have received which prove the expressions to have been sincere, and that the feelings which prompted them are permanent.

The following lines were written by Dr. Dodd in anticipation of the happy effects of that plan for separate criminals, which Jonas Hanway at that

time proposed. It is the system we are pursuing,
and already do we realize the results foretold.

Hail sacred solitude ! *from thee alone*
Flow these high blessings. Nor be it deemed severe,
Such sequestration ; destin'd to retrieve
The mental lapse ; and to its powers restore
The heaven-born soul, encrusted with foul guilt :
'Tis tenderest mercy, 'tis humanity
Yearning with kindest softness : while her arm
From ruin plucks, effectuates their release,
And gives a ransom'd man to earth—to Heaven !*

* Dodd's Thoughts in Prison, p. 37.

CHAPTER XXII.

DISCIPLINE PROMOTED BY VISITS OF MAGISTRATES.—A DANGEROUS DUTY IN PAST DAYS.—SAFE AND PLEASANT NOW.
—HOWARD'S ADMONITION.

GREATLY is the order and discipline of the prison promoted by the frequent visits of magistrates, and especially by the regular attendance of those who successively undertake the office of Visiting Justices. Happily the task is no longer so perilous to health and life, or so painful to the feeling heart, as to induce that neglect which once prevailed. Howard observes —“I have often enquired of gaolers, whether the Sheriffs, Justices, or Town Magistrates inspected their gaols? Many of the oldest have answered—‘None of those gentlemen ever looked into the dungeons, or even the wards of my gaol.’ Others have said—‘Those gentlemen think that if they came into my gaol they should soon be in their graves.’ Others—‘The Justices think the inside of my house too close for them; they satisfy themselves with viewing the outside.’”*

The prisons of Reading, which formed some of those habitations of cruelty and crime, of filthiness

* State of Prisons, p. 44.

and suffering, which none could enter without danger, and few without grief, have given place to a building so commodious, so clean, and so well adapted to a system of discipline most humane and corrective, that I am sure I express the sentiments of the Visiting Justices themselves, when I assert that the duty of inspecting and of superintending is no longer performed with reluctance, but is rather a source of satisfaction and pleasure. Accordingly, each prisoner is visited in his cell once, at least, every week by a magistrate, when careful and kind enquiry is made as to his wants ; any complaint is listened to, and if well founded, the cause thereof is at once removed ; misconduct is censured, and if gross, punished with more severity,* whilst good behaviour, and apparent improvement, is commended and encouraged.†

* It is remarkable, and should greatly recommend the Separate System, that although more than a thousand prisoners have been confined in Reading Gaol, *only three offences* have been committed which called for punishment more severe than the Governor is authorised to inflict.—*Note to 1st Ed.*

Since the above note was written, the proportion of such offences has not increased.

† I have seen some most pleasing effects produced by the kind manner in which the criminals have been addressed when thus visited. A short time since I went to the cell of one who had been several times in other prisons, and was of a most unpromising class, soon after the magistrate who had committed him had left his cell. I found the man in tears, and on asking the cause, the poor fellow replied in sentences

I may congratulate Visiting Magistrates upon the adoption of a system under which offences are so unfrequent, and punishments so seldom called for. At the same time I desire to protest against that severity by which it is attempted to enforce discipline under other plans of imprisonment.* The

interrupted by sobs which he could not suppress—"That kind—kind gentleman! It would be a shame if I didn't behave well, and go on better, after what he has said to me!" I have much reason to hope that the good feeling thus excited by kindness, is, and will be, permanent.

* The difficulty of maintaining good order on board convict ships has been often described. I suppose it has never been so well preserved in any as in those under the superintendence of Dr. Browning. He attributes his success, not to any physical force, but entirely to moral influence.

"As to flogging," he says, "I do not practise it. It is a mode of punishment to which I entertain strong objections; and although I admit that cases may possibly present themselves in which stripes might be inflicted with advantage, yet I believe such cases to be of rare occurrence, when a due degree of intellectual and moral influence is sent forth upon the people. Perhaps it is requisite to possess the power, particularly in a convict ship, where we have not adequate means of separation and confinement. But it appears to me, that where it is thought necessary to have recourse to the use of the cat, there must be a culpable want of moral power in the system of management, whether it be on board of ship or on shore. No human means employed in the government and discipline of men, can for a moment be compared with *sound christian instruction, and the habitual putting forth of an intellectual and moral power*: and my conviction is, that where such instruction is imparted, and such power is duly exercised, the infliction

attempt to preserve order by such means fails ; but the mischief produced by such harshness is permanent. Often is the character so much debased that the difficulty of correction by a better process is tenfold greater. There is cruelty in the practice of first thrusting men into circumstances of temptation, and then inflicting a severe penalty upon them for consenting. The primary responsibility in such case must attach to those who committed the first, and certainly the worst offence. It is a grievous wrong to make a fellow-creature a victim, and then to act as an avenger. The Visiting Justices of the cellular prison are free from such reproach. It is their privilege to witness the order maintained. It is seldom their painful duty to enforce it by punishment. They observe that the obedience is rendered with cheerfulness. They are rarely called upon to demand submission. When breaches of discipline do occur under the Separate System, the magistrate need not reflect upon himself as accessory. He is exempt from the charge, and from any painful conviction on his own mind, of having caused an offence, which his office obliges him to correct by suffering.

of corporal punishment will seldom, if ever, be required. I have no hesitation in stating it as my decided opinion, that the officer or ruler, who in the management of those placed under his authority, has frequent recourse to the use of the lash, gives abundant evidence of his unfitness to be intrusted with the government of his fellow-men."—*The Convict Ship*, p. 356.

Another remark of Howard will form the best conclusion to this chapter—"After all," he observes at the end of his second volume on Prisons, "the best laws will fail in their effect, unless the assiduous and zealous endeavours of magistrates be exerted in a strict attention to their execution. Abuses, though ever so strictly guarded against, will creep in; and it requires the utmost vigilance to detect, and resolution to reform, them."

CHAPTER XXIII.

THE LIBERATED OFFENDER EXPOSED TO DIFFICULTIES AND
MANY TEMPTATIONS.—THE PROVISION REQUIRED.—ORIGIN
OF "THE PRISONERS' HOME."—SARAH MARTIN.—THE KING
OF SWEDEN QUOTED.

THE prisoner on his discharge from custody claims our commiseration, and if corrected by his imprisonment, ought to be an object of charity. His situation is most perilous and painful. He is probably destitute, and his character is lost. Hence means of obtaining the necessaries of life by honest industry are seldom afforded. Those whose advice and example might tend to strengthen good resolutions and encourage reformation, treat him as an outcast; whilst former companions in crime invite his return, offering assistance and relief. Rejected by others, he is welcomed by them. Allured by promises, and almost compelled by threats to abandon recent purposes of amendment, who can estimate the force of temptation to which the poor liberated offender is exposed? In order to stay the return to crime, by providing for the day's necessities, a small sum is given to every criminal on his discharge from Reading gaol; and if his conduct during his imprisonment has been

such as to induce the hope of his reformation, it is the practice of the Chaplain to recommend him to the kind consideration of the Clergyman to whose parish he may be returning, as the most effectual means of rendering good determinations steadfast. Sadly imperfect, however, must our system of criminal treatment yet remain until some plan for the employment of the released offender shall furnish him with the opportunity of obtaining an honest subsistence by his own efforts. He ought not to be obliged to live in idleness on the alms of the benevolent; but should be enabled by industry to support himself. In the absence of any general provision, the benevolence of individuals has been exerted, local charities have been established; but quite inadequate to the object required.* Houses

* The philanthropy of some christian ladies has been excited to make somewhat more adequate provision for female criminals. In the Life of Mrs. Fry mention is made of one, whose kind interest in one case the writer himself witnessed.—“In 1822, a small house for sheltering some of the most hopeful cases of discharged prisoners was opened in Westminster, under the name of Tothill Fields Asylum. It owed its existence to the christian benevolence of one lady—Miss Neave. She has consecrated her time and purse to this important object, which was first suggested to her mind during a ride with Mrs. Fry, and thus related by herself:—A morning’s expedition with dear Mrs. Fry made me at once resolve to add my help, if ever so feebly, to the good cause. I distinctly remember the one observation made. I can call to mind at this moment the look and tone so peculiar, so exclusively her’s who spoke—‘Often have I known

of temporary refuge, of a character differing from our union workhouses—strictly houses of industry and of discipline—offering employment to the discharged prisoner, but at a rate of wages so much less than other labourers may obtain, as to prevent their being attractive, might wisely be established in connection with the prisons of our land, and the relapse of many might be thereby prevented.

This question has been referred to in Vol. II.; but its more particular consideration would not accord with the object of the present work: I conclude therefore by quoting the following humane observations:—"After the houses of correction have completed what was entrusted to them, viz.—during the period appointed by law, punished and improved so far as the imperfection attached to human instructions permit it, there still remains an important object—that of preparing the reception into society of those who are liberated. Without this, both the trouble taken, and the money laid out, may be

the career of a promising young woman, charged with a first offence, to end in a condemned cell! Was there but a refuge for the young offender my work would be less painful.' That one day's conversation on these subjects, and in this strain, laid the foundation of our prisoners' home."—*Vol. ii.* 464.

Some interesting accounts of the advantages attending the judicious gift of small sums to liberated culprits are described in the Memoir of Sarah Martin, whose earnest efforts for the good of prisoners, carried on with so much christian simplicity, render her an example in well-doing, whilst the success of her pious labours ought greatly to encourage us.

thrown away ; the demands of humanity only half satisfied, and the public safety as dangerously threatened as before. Those noble philanthropists, who began to pay attention to the unhappy condition of their fallen brethren, at first applied their zealous exertions in mitigating their sufferings, supplying their physical wants, and attending to their health, which was destroyed in consequence of their wretchedness and the unwholesome prisons. When the demands of compassion had been satisfied, attention was given to their moral improvement. There still remains one step in order to gain the object aimed at : the care of the prisoner's first faltering steps on the path of honesty and duty."*

* Punishments and Prisons, p. 72.

CHAPTER XXIV.

JUVENILE DELINQUENCY.—CAUSES.—PROPOSED REMEDY.—
PROPRIETY OF MAKING THE PARENT SHARE THE PENALTY.
—HARDSHIP IN SOME CASES.—ADEQUATE PUNISHMENT
REQUIRED.—EFFECTS OF PLACING YOUNG OFFENDERS IN
LONDON PRISONS.—CLASSIFICATION OF SUCH FUTILE.—
JUVENILE WARD COMMONLY THE WORST.—CELLULAR
IMPRISONMENT WITH CORRECTIVE INSTRUCTION RECOM-
MENDED.—AN ASYLUM SUBSEQUENTLY.—CHAPLAIN OF
LEWES GAOL QUOTED.

I OBSERVE with thankfulness that the prevalence of juvenile delinquency is attracting the increased attention of benevolent and influential persons. I feel compelled therefore to make further allusion to a subject of such importance.

Most of our young offenders are grievously ignorant of truths which should have been amongst the first lessons of their childhood. In general their parents are found to be incompetent either to educate or to restrain them; and their instruction has been consequently neglected. A very large proportion are also the children of criminals. If when the term of punishment has expired these pitiable victims of vicious education and example are at once sent back to their depraved parents and miserable homes, their return to a course of vice is thereby almost ensured.

Several of those referred to have been re-committed, and in some cases I have discovered that they have been compelled to steal, or threatened with starvation.*

I trust that beneficial results must ensue from the humane plan recently proposed to an important meeting in the City of London. The leading features of the plan appear admirably adapted to accomplish the end desired; but there were portions against which serious objections might be urged. The following extract will explain its design, and the means of attaining the good proposed:—"Immoral and dishonest parents encourage their children in crime; negligent and thoughtless parents permit their misconduct; selfish and unnatural parents leave them in a state of destitution, which they know must infallibly lead to crime, to avert starvation; and even parochial authorities, by their neglect of parentless and friendless children—though they may close their eyes against the consequences of their neglect—do in fact contribute to the same result. Both parents and parishes know that they are by law bound to provide for children in a state of destitution; the child has, however, only to add crime to destitution, has only to join the criminal classes, and the trouble

* One of this class, a boy thirteen years of age, was committed yesterday for stealing wood. I questioned him particularly to-day (Feb. 26) as to the cause of his offence, and the poor child, crying, declared—"My mother wouldn't let me have any victuals if I didn't go and get the wood."

of its future government, and the expense of its future maintenance is, as the law now stands, transferred at once from the parent and the parish to the county and the state. No man can have watched the working of the system without feeling that to the last-mentioned circumstances the country is largely indebted for the increase of juvenile criminals: and if that be so, the establishment of such an asylum as is here proposed (or in fact any system that might be adopted for the maintenance and reform of juvenile offenders) would but multiply the number of children cast destitute upon the world, unless it were accompanied with some attendant regulations to check the influence of parochial indifference and parental neglect. This object could only be achieved by continuing to the parent, and failing the parent's ability, by continuing to the parish, the obligation to defray the expense of the child's diet and clothing in the asylum, as they are now by law compelled to provide him with food and clothing, if found destitute in the streets. There would be no injustice and no impolicy in such a law; it would but fasten upon parents and parishes the responsibilities which now exist; but by rendering that practical which is now frequently theoretical only, it would stimulate them to the performance of duties which they now neglect. It is proposed that it shall be enacted, that all children under sixteen years of age, found committing a violation of the law, or in a state of destitution, which will inevitably lead to crime, shall

be taken before the magistrate, and (instead of being committed, as is now the case, to prison), unless the parent or the parish will enter into recognizance to provide for them, they shall be sent to the asylum, and the parents, and failing the parents' ability, the parishes to which they belong shall pay the dry expense of diet and clothing—say 2s. or 3s. per week, as the case may be; the state providing the necessary cost of the land, buildings, and charge of conducting the asylum. The effect of such a legal enactment would be, that parents and parochial authorities would exert themselves to control, educate, and obtain employment for those, for whom they are bound by law to provide; and if they failed to do this, they would have no right to complain, having neglected to perform their duty—that the state should interfere and do their duty for them, by making happy and useful, out of wretched and useless members of society, charging the parent or the parish with the expense of their support, which has hitherto been thrown upon the county rates, or been defrayed out of the consolidated fund, raised from the taxation of the nation at large."

There is undoubted wisdom in taxing the locality in which crime is committed with the support of the convict, but admitting that parents are to a great extent responsible for the conduct of their offspring, and that in most cases the vices of children may be ascribed to the neglect or wickedness of their natural guardians, yet the exceptions to this rule are so

numerous, that to inflict a penalty on the parent in every case would be neither politic nor just.* It may be said indeed that the sum exacted would be small, still the principle involved appears objectionable, inasmuch as the parents might be sufferers for an offence of which they were not only innocent, but which they might to the utmost of their power have endeavoured to prevent. Great likewise would be the difficulty of determining the competency of the parent to render the support proposed. It is presumed that all would be adjudged capable who were not themselves receiving parochial relief. But the injustice of demanding part of the honest earnings of laborious industry to support a convicted child, in many cases, upon better fare than the innocent can be supplied with, must be sufficiently evident.

It is therefore suggested that in all cases of juvenile delinquency, if guilt or neglect be proved against the parents, they should be dealt with as parties to the offence, and deservedly sentenced to share the penalty ; but if no such charge be urged against them, whilst the vicious propensities of the child

* Very recently two children (one nine and the other eleven years of age) have been committed to Reading gaol, under the advice of the clergyman of their respective parishes. These boys had been guilty of a succession of felonies, and the various and judicious means adopted for their correction by parents who bear an unblemished character, had altogether failed. To make such parents amenable in cases of this kind would surely be unjust.

are unrestrained by parental discipline, then let the state assume entirely the paternal duty, and by means more powerful promote the reformation that is desired.*

Nor does it appear that the above plan suggests adequate *punishment*. It rather aims at making *provision* for the criminal, of a corrective character indeed, yet so little penal, that instead of exciting dread and deterring, it might be attractive and induce crime. But whilst we deprecate severity, or the idea that our criminal code is designedly vindictive, yet unless there be a penalty imposed for the violation of the law, it must be evident that guilt is encouraged, and that crime will increase. It is therefore necessary that some *corrective punishment* should be first inflicted, and that a subsequent relapse should if possible be prevented.

But where, and in what manner, is this correction to be accomplished? Certainly not in prisons such as those yet existing in the Metropolis; concerning

* A plan similar to the above was approved of by a committee of Middlesex magistrates, who in the Draught of a Bill submitted to the Epiphany Sessions in 1847, provided against the evil complained of, by proposing that "in any case where it should appear to the satisfaction of two justices, that the parent of any child sent to the asylum is capable of reimbursing the expense incurred by the parish on behalf of such child, any two justices shall have power to attach the property of such persons, or wages in the hands of masters, or due from masters of such persons, to satisfy the amount named in such order."

which one of the Inspectors of Prisons, who attended the Meeting to which reference has been made, observed—"He might call attention to a subject which was, he believed, a fruitful source of juvenile delinquency—the condition of the prisons in the metropolis. There the juvenile prisoners were associated with adults, without employment, without education, without superintendence; and the contaminating influence of older prisoners soon destroyed all moral feeling, and rendered them indifferent to right or wrong. He wished particularly to call the attention of the Lord Mayor to this subject; for the plan now under consideration must be utterly ineffectual, if they thus trained in their prisons a number of young persons who, on their release, would become the leaders and instructors of youth of their own age, and induce them to follow the same vicious courses with themselves." The truth of which statements has been since admitted by one of the Court of Aldermen, who at a meeting of that body, declared that in their prisons "the young and inexperienced were still mingled in horrible confusion with wretched criminals whose minds were hardened in guilt; and the obvious effect of such tuition was to exclude for ever from the former all the chances of reformation. * * * In the scale of morals, Giltspur-street Compter, under the control of the Aldermen of the city of London, was in a more degraded condition than any other prison of which he had ever heard or read a description. It was impossible to

do justice in ordinary language to the character of so infamous a receptacle."

As a remedy for evils so disgraceful and alarming, the *classification* of prisoners was proposed. But it may be affirmed, and the facts which we have adduced will forbid contradiction, that any attempt to correct juvenile offenders by such a plan will be altogether ineffectual, and that contamination can never by such means be diminished. The extent of moral corruption cannot be estimated by the age of the culprit, nor his progress in the career of crime measured by the nature of any particular offence. The young will learn from each other the lessons of demoralization as effectually, and more eagerly than they would receive the vicious instruction of older and more hardened companions. The ward for juvenile offenders in every prison, I believe, to be the *most* corrupting and pernicious. If the young be less depraved, yet they find more pleasure in sin, and they are always anxious that companions should share the sweet though poisonous fruit. They take delight in communicating the knowledge by which it may be secured. They make known continually, and without reserve, their vicious inclinations; they boast of evil practices and of crimes which they have perpetrated. Their ambition is to be esteemed most vile, and their ardent desire is to excel in guilt. The objects of their admiration, and consequently of their *imitation*, are characters most desperate, and they emulate the most daring.

The only effectual remedy then for juvenile delinquency, and one which shall combine *justice with compassion*, would appear to be that of *separate confinement as a punishment*,* for a period *long enough* for *corrective instruction* to be imparted; and when that term has expired, instead of dismissing the

* I observe with much satisfaction that my fellow-chaplains whose experience enables them to form the most correct judgment, agree with me on this subject. Thus, in a recent Report, the Rev. R. Burnet, the Chaplain of Lewes Gaol, writes—"Each passing year's experience deepens the conviction, that the utmost degree of separation which can be effected among criminals is necessary, and will be found clear gain in the end, both as regards the reformation of the criminal and the repression of crime. Of juvenile prisoners, whose sentences are generally short, I believe this to be especially true. Juvenile felony, as remarked before, is rather on the increase; and a glance at the table of re-committals will show how inoperative the present system is in the deterring of criminal and vagrant youth. The officers, under whose eyes these young culprits work, at the tread-wheel and in the manufactory, constantly complain, and the complaint is confirmed by the same prisoners in after life, that the common effect of such imprisonment is to harden the young heart, and prepare the way for future visits to the prison. Many, alas, will return after any mode of punishment, as experience proves; but many more than at present would, I am persuaded, be stopt in their career, if cut off during their imprisonment from the sight, as well as the communications, of so many evil men, and from the vicious emulation which it engenders. I am always thankful when the magistrates at the Sessions pass, in the case of boys who are at all hopeful, the sentence of solitary confinement, relieved as it is, by the use of books, by daily exercise, and by visits of instruction."

offenders to former haunts of iniquity, or consigning them to the care of parents or persons, who, either cannot prevent their return to criminal practices, or would perhaps encourage their repetition, to provide them with an asylum in which, though free from punishment, they should still be under such discipline as might be calculated to promote permanent reformation.

P. S.—Since the foregoing remarks have been in type I have had the pleasure of personal intercourse with the benevolent gentleman who proposed the plan to which reference has been made.* Having stated to him the objections I have described, he explained that it was not his desire that parents should be required to support offending children *in every case* to the extent that was proposed, but that this demand should be mitigated by circumstances. And with respect to the insufficiency of punishment it was considered that the objection would be removed by providing in the asylum various kinds of discipline differing in the extent of severity. With these explanations the plan appears more perfect, and great must be the anxiety felt by every humane person that the proposal may receive the support it so justly claims. Only let the more severe discipline consist of separate confinement accompanied with moral and religious instruction, for a period to be measured by the apparent moral delinquency, and when this penal process has been accomplished, and the youthful offender is associated in the asylum, let there be careful superintendence, and a course of training, still corrective, pursued, then truly we may anticipate the most happy results from the adoption of a plan so evidently required and so humanely proposed.

* Charles Pearson, Esq.

CHAPTER XXV.

JUVENILE OFFENDERS.—SIR J. S. PAKINGTON'S BILL.—DIFFICULTIES OF MAGISTRATES.—OFFENCES SHOULD BE FOLLOWED BY PUNISHMENT.—PLAN OF RECORDER OF BIRMINGHAM.—CORPORAL PUNISHMENT.—THE PHILANTHROPIC, STRETTON-UPON-DUNSMORE, PARKHURST, METTRAY.—FRENCH PENAL CODE ; THE 66TH ARTICLE.—LA ROQUETTE.—INFANTS INCAPAX DOLI.—INFANTS HAVING KNOWLEDGE LIABLE TO PENALTY.—PARENTS COMMONLY RESPONSIBLE.—PLAN PROPOSED.—SEPARATE CONFINEMENT IN REFORMATORY.—A REFUGE.—BRIDGENORTH AGRICULTURAL SCHOOL.

SINCE the preceding pages were written in the former edition of this work, but little has been done by any legal enactments, either to prevent the spread of juvenile delinquency, or effectually to correct the young offender.* A bill has indeed been passed whereby magistrates are empowered to adjudge summarily, in some cases of petty theft, which must before

* I am not unmindful of, or unthankful for those recent measures which will, I trust, greatly promote education, and in some degree prevent crime ; but I fear it will be long before the vicious parents of our youthful criminals will, unless obliged, allow them to derive the advantages they might obtain from such provision. The Ragged Schools (unhappily named) will, I hope, with God's blessing, exercise some favourable influence even upon our young offenders of the present day.

have been submitted to a jury;* a measure in many respects advantageous, inasmuch as the disgrace of committal to prison, and that stain upon the character, which not even an acquittal can efface, is thus occasionally prevented; but the contamination still effected in gaols, such as those referred to in the former chapter, suggests the most powerful argument in favour of the change. It is to the association which renders prisons the nurseries and schools of all iniquity, that the increase of criminals of every grade is for the most part to be ascribed.† The committal

* Sir J. S. Pakington's Bill, 10th and 11th Vict., c. 82, which provides that two or more justices may sentence offenders, under *fourteen* years of age, who shall be guilty of "simple larceny," to imprisonment not exceeding three months, &c. &c.

† Few magistrates have given so much time and attention to the subject of prison discipline as Mr. Rotch, who, in a pamphlet recently addressed to his brother justices of Middlesex, observes, with reference to the pernicious effects of imprisonment upon this class—"The present system is to allow a youth to become well hardened in villainy before he is transported. He is maintained alternately by the plunder of the public out of prison, and by the county purse in prison at a great expense for years; and after multiplied convictions for every grade of offence, from the trifling assault to the highway robbery and midnight burglary, running through the mazes of every yard in the gaol, carefully imparting into each the infamous tact, guilty ingenuity, and foul associations, slang language and wicked passions of the others, thus setting at nought all the carefully defined and law-enacted rules of what I have ever deemed to be, under such circumstances, miscalled classification, he is at length

of juvenile offenders to such infamous receptacles, none will dare to advocate. But alas, whilst many deprecate the practice, they still pursue it. Their only apology is their perplexity. Magistrates without exception admit that the young delinquent must be corrupted, or, if before vicious, become more depraved by prison association. Surely then one duty may plainly be described, namely, to prevent that contamination, by remodelling prisons, or providing some substitute for them. And if the power to do this be entrusted to any who pass sentence of imprisonment, how fearful the responsibility if that duty be neglected! Justice was never represented blindfold, that he who administered its supposed penalties, should inflict injury, and refuse to see the consequences. And yet we might suppose this lesson to have been learnt, rather than that which the emblem was designed to teach.

But whilst we deprecate the committal of any criminals, and of the young especially, to gaols in which contamination is possible, surely neither jus-

deemed a worthy subject for transportation, and is sent out to our penal colonies to form one of a community so depraved and degraded that, in moments of calm consideration, one is shocked at the means necessarily there resorted to, to make it manageable at all. * * * Children have been subjected to the, I may almost say electrical, contamination of gaol association, so rapidly does it take effect. There the foul impress of felony or misdemeanour is stamped upon them all before they are offered to the public as useful members of society."

tice nor the jurisprudence of our country can sanction the magistrate in allowing the convict even of tender age to escape chastisement. The dilemma in which an Authority is now indeed often placed, is most painful, and perhaps, justice is *less violated* by the immediate release of a youthful convict, than it would be in subjecting him to the destructive penalty of confinement in a prison ward. But this is an alternative which we must approve of with pain, and confess to be a reproach. It is, however, a plan which has, under certain precautions, been to some extent pursued by an Authority, to whose wisdom and humanity we are much indebted for many improvements in our treatment of prisoners. In a draft report, on the principles of punishment, presented to the Law Amendment Society, the learned Recorder of Birmingham thus describes the plan referred to:—

“By an arrangement which has been in operation at the Birmingham sessions from the beginning of the year 1841, young convicts, who are not hardened in crime, are after trial delivered to the care of their employers or parents, as the case may be.

“These persons enter into an engagement to superintend the conduct of their young wards, and to furnish them with the opportunity of earning or assisting to earn their livelihood.

“Both guardians and wards are visited from time to time by one of the superior officers of police, for the purpose of ascertaining the conduct of the parties.

“The results of this treatment up to October last were as follows:—113 convicts had been so delivered up; of these 44 were reformed, 40 relapsed, and of 29 the conduct was doubtful.

“The majority of these 29 there was reason to fear had relapsed. But all having left their masters, and many having left the town, nothing certain was known of them.

“This experiment, which at all events is inexpensive, may be called satisfactory, when it is considered that from the moment the young offender leaves the bar, the court has no legal control, either over him or his guardian, who of course acts gratuitously.”

And with reference to the success of this plan, the same learned gentleman was asked by the late committee on the execution of the criminal law:—

Q. Have you compared that result with the result in cases where you have sentenced to imprisonment and other punishment?

A. I am glad to be asked that question, because I have consulted superior officers of our police, and they are of opinion that there are fewer relapses in this mode of treatment, namely, in giving up the child to his friends, than when he is sent to prison.

Q. Do not you consider that the success of that mode of treatment depends more upon the more or less care of the person who promises to take care of the delinquent than upon the disposition of the child itself?

A. Both must co-operate; the child and the guardian. It would be a little difficult to weigh the comparative importance of each; but I consider it a very rude and imperfect mode of

treatment, for this reason, because from necessity the child goes back to the very circumstances in which he was when he fell; he is exposed to the same associations, and with difficulty kept from the same companions; but still I think it may be called satisfactory, having so large a number reclaimed.

Another expedient for the correction of young offenders is that of corporal punishment, with, or without, some short period of imprisonment. Such imprisonment may at any rate be dispensed with, it is scarcely ever effective, and is fraught with evils which commonly ensure the recommittal. But is bodily suffering a remedy for moral disease? I believe not. The good, if any, is temporary, it scarcely survives the smarting; but the degradation is permanent; the stigma does not cease with the suffering. A boy thus debased, will either glory in his shame, or, alive to his debasement, will be reckless. The birching to which the schoolboy is subjected, though, perhaps, rarely in his case with any corrective effect, creates no sense of degradation like that of the lash inflicted on the criminal. In the case of the former, it is prevented by the sympathy of his fellows, and the fault has probably been itself venial. But the latter conscious of guilt, and feeling himself despised by his betters, will seek consolation amongst the base, and will then become abandoned himself. I do not venture to assert that corporal chastisement will never deter from crime, but I do affirm that it cannot correct the criminal. "The rod is for the fool's back," and it may prevent him from offend-

ing; but let it be reserved for the fool alone, for whilst reason and any moral sense remain, there are other means whereby reformation may be sought. If such fail, the vicious *must*, in some manner, be restrained; society must be protected, and if there be any whose moral sensibilities cannot be acted upon, their animal feelings must be. But let us not mistake this for correction. It is to treat a man as a brute, and not as a being *capable* of correction. I have reason to fear there are some so degraded that corporal suffering alone, and that often repeated,—for its effect is always transient,—is indispensable, if any liberty of action be allowed. But how have they become so? What has brought them to this state of debasement which requires they should be treated as brutes rather than as rational beings? Careful investigation, I am sure, would teach us that in many such cases,—in most,—some early infliction of a degrading character, sunk its victim below his fellows, robbed him of self respect, and left him an object of infamy. When instruction and discipline might have reclaimed, mental teaching and moral education were neglected. Guilt was the fruit of that neglect, and for the first offence, flogging was the penalty. From that moment the boy was looked down upon and disliked; he felt that he had lost caste, but he found companions of a lower grade. For a time, it may be, he was deterred by fear; but soon his flogging was forgotten, and he again offended; further severity hardened, and so

prepared for future crimes, and he became incorrigible.* This has been the course pursued towards the very worst criminals with whom I have become acquainted. If then, punishment, in every sense so abhorrent to humanity, must be retained, let its power be spent upon those whom it has already debased and brutalized; but let us not ensure its continuance by degrading others to the like condition. An effect which must certainly result from its early infliction upon *young offenders*.

A nearer approach to the suitable treatment of juvenile offenders is shewn in those charitable Metropolitan Institutions, the Philanthropic, and the Refuge; the Warwick County Asylum at Stretton-

* "We administered personal chastisement in Newgate. Boys convicted there were ordered perhaps to a week's imprisonment and to be flogged. We sometimes had those boys back again, after being flogged, in the next session. It occurred once, at the Old Bailey, that in the very same session the same boy came back again, having committed another offence within a week of the time he had been flogged when he was discharged."

The unanimity of opinion amongst the Judges of Scotland on this subject is remarkable:—

"To whip and dismiss boys I believe would be utterly useless. A boy would be immediately surrounded by his associates, consoled with drink, and only hardened and confirmed, &c."—*The Lord Justice Clerk*.

"Where the infliction fails to amend, it makes the culprit a greater blackguard than he was."—*Lord Cockburn*.

"My opinion is very adverse to the punishment of *whipping* in any case."—*Lord Moncreiff*.

upon-Dunsmore, the Reformatory at Parkhurst, and the Colony at Mettray. These institutions, though admirably conducted, still do not, I conceive, so effectually correct their inmates as to afford entire satisfaction. I quote the following statement from the last Report of the Philanthropic:—"On an average of five years and a half, the society's agency has been thoroughly successful in 103 out of 154 cases, and has absolutely failed (as shewn in the offenders' relapse into crime) in 19 only of that number."* Considering the class from which these boys are taken, the short period of their detention, and the numerous temptations to which they are exposed when discharged, the proportion reclaimed does indeed prove that God's blessing attends the charitable effort, and that the indefatigable and self-denying exertions of the Chaplain, who superintends both the religious instruction and the industrial training, are by no means labour in vain. Still it may be expected that yet happier consequences will follow the adoption of some other plan.†

* An effort is now making, and it must be hoped that it will prove successful, to raise funds for erecting a more suitable building at a short distance from London, where agricultural and similar occupations may be afforded in addition to the handicrafts now pursued.

† It is justly observed in the last Report of the Philanthropic, that "to the early founders and supporters of that institution belongs the honour of being THE FIRST to see the importance of that object, to design its execution, and in the cases of the

The Warwickshire Asylum for juvenile offenders has been in operation about thirty years. The results are not such as to prove the system pursued satisfactory. Up to the present time it appears that about forty per cent. have relapsed into crime, although it is hoped that some have been subsequently reclaimed, owing, in some measure, to the

many depraved and ignorant children whom the charity has rescued from destruction, to achieve its accomplishment." It was founded in 1788. Lieber, therefore, in his translation of "Le Système Pénitentiaire," is mistaken in asserting, that the first House of Refuge for the Young was founded in Germany in 1813. The circumstances attending the establishment of which asylum are most interesting. Johannes Falk, a native of Dantzic, lost in 1813 four promising and beloved children within a few days, and the bereaved parent resolved to become a father to those unhappy children who were uneducated and in the pathway of crime and destruction. He founded the "SOCIETY OF FRIENDS IN NEED," for children of criminals and criminal children, and adopted as a fit symbol for his establishment, the representation of some children converting on the anvil their *chains* into *useful tools*.

The Reformatory at Parkhurst was established for such children exclusively as having either committed a succession of crimes, or some aggravated offence, were sentenced to transportation, but being of tender years were not fit subjects for a penal colony. The Separate Confinement for a term never less than four months, and other improvements in discipline which have been recently adopted, have been successful, and greatly encourage the extension of the plan. The evidence lately given by the governor of this establishment, and inserted in the second volume of this work, will afford sufficient information concerning it.

instruction they had received whilst in the asylum. Still the proportion of those who continue vicious, and are again convicted, is so large as to forbid complacency, and will not allow us to believe that we have yet adopted the best means of preventing juvenile delinquency by correcting such offenders.

“La Colonie Agricole,” at Mettray, next demands our attention. This institution originated in the benevolence of two distinguished and excellent men, M. Demetz, Conseiller à la Cour Royale de Paris; and the Viscomte de Bretignères de Courteilles.* It was established in 1839, and the number of its inmates varies from four to five hundred.

By the 66th Article of the Penal Code it is decreed—“That when the accused party shall be under sixteen years of age, if it be decided that he has acted ‘*sans discernement*,’ he shall be acquitted, but, according to circumstances, shall be returned to his parents, or sent to a house of correction, to be there educated and detained for as many years as his sentence shall appoint; provided always, that

* In this description I am greatly indebted to my friend, the Rev. Sydney Turner, who, with Thomas Paynter, Esq., the excellent police magistrate, visited the establishment, and lately published an account of their visit at the request of the Committee of the Philanthropic Society. Their narrative is more intelligible, as to the general plans pursued and the results, than any I have met with equally concise. I have referred to other Reports of Mettray in Vol. ii.

the sentence shall not extend beyond the period when the boy shall be twenty years of age.*

It is then from the class described in the above article, that the children placed under discipline at the Mettray Establishment are selected. They have been sentenced to the loss of liberty for a sufficient term to allow of some length of penal treatment, and if the offence has been committed in Paris or its environs, this is inflicted in the Cellular Prison of La Roquette;† this imprisonment is succeeded by the

* M. Le Vicomte de Melum has given us a good reason why this statute was enacted.—“ Dans ce Code on a compris, sous le nom d'enfants ayant agi sans discernement, une multitude d'enfants qui sont réellement coupables et qui ont complètement la conscience du bien et du mal. Et voulez-vous savoir pourquoi les tribunaux agissent ainsi ? C'est parce qu'ils craignent d'envoyer des enfants mêmes coupables dans des prisons où ils seraient exposés à se corrompre davantage encore.”

† The following interesting fact was mentioned by M. Moreau-Christophe, in a speech at the recent Congress at Brussels, as the cause of the change of discipline in this prison from the congregated to the Cellular System.—“ Un des preopinants a dit que, comme père de famille, il se refuserait à soumettre son fils aux tortures de la prison cellulaire. Qu'il me permette de lui faire observer qu'il ne serait pas un bon père, un père intelligent, s'il soumettait son fil detenu aux dangers de la prison commune. Les pères de famille de Paris ne s'y sont pas trompés. 60 à 80 jeunes gens de Paris sont détenus à la Roquette par voie de correction paternelle. M. le préfet de police, dans sa haute sagesse, les a soumis au régime cellulaire. Ce ne sont pas

course of religious and industrial instruction, which is provided at Mettray, and of which the pupils are stimulated to avail themselves, by numerous rewards, and the certain expectation of future advantage, whereas if they misconduct themselves they are sent back again to prison. By the various reports which have been published, and by private correspondence with a clergyman residing in the immediate neighbourhood, I have ascertained that since the establishment of the institution, about six hundred boys have been under its discipline. There had been up to the date of the last official report in my possession,

des criminels, mais de mauvais garnements, qui dans la vie commune où ils étaient placés précédemment, mettaient en commun les causes diverses qui les avaient fait mettre en prison. Ces enfants revenaient dans leurs famille beaucoup plus mauvais sujets qu'auparavant. On les a tous séparés; on les a mis en cellule et alors il y a eu un concert de bénédictions de la part des pères de famille envers le préfet de police qui avait eu l'heureuse idée de séparer ces enfants les uns des autres pendant toute la durée de l'emprisonnement paternel—Six mois. C'est le maximum fixé par la loi.

Savez-vous, messieurs, ce qu'il avint? Tous ces enfants, une fois en cellule, se portèrent beaucoup mieux que les autres, restés en communauté. Ils étaient beaucoup plus sages, plus réservés, plus propres, plus soumis que ceux-là. Alors est venue au préfet de police l'idée d'étendre son exception; il l'a étendue aux plus mauvais sujets des autres catégories, et il est arrivé ainsi à résoudre le problème en ce sens que tous, au nombre de 500, ont fini par être soumis au même système. De ce système, mis en pratique, avec tant de succès, à la maison desjeunes détenus de la Roquette."

five hundred and twenty-one boys received. Of these,

348 were still inmates of the Institution.

17 had died.

12 had been sent back to prison for misbehaviour.

144 had been placed in situations.

Of these one hundred and forty-four, no less than one hundred and twenty-eight were conducting themselves to the entire satisfaction of the "Patrons," whose duty it is to watch them carefully during three years; seven had been again convicted, and the character of nine is doubtful.

The foregoing brief description suggests some thoughts on this interesting subject, in addition to those noted in my former publication. Whilst the French code, which has been quoted, presumes children under sixteen years of age to have acted *sans discernement*; our own law supposes an infant, (defined, to be one under the age of fourteen years) to be *incapax doli*. If however, evidence be adduced, proving that an offender thus young, hath knowledge to discern betwixt good and evil, he is responsible and subject to punishment. And truly, in such case, our penalties commonly inflicted, have been of a kind to perfect their capacity for evil, and to destroy any perception of good. If they have been precocious in wickedness, our prisons have furnished them with accomplices, and they have soon become adepts in villany. Well is it for us, that although late, men are now everywhere learning this

truth. Hence the improvements of Parkhurst, and the more perfect plans of Mettray.

In the case of young culprits, not less than as respects adults, some measure of punishment ought to result from conviction of crime. This penalty ought to be of a corrective kind, and to precede any effort to ameliorate the temporal condition of the criminal.* But connected with the trial of every accused child, in whatever manner that may be conducted, I would suggest there should be some investigation into the conduct and condition of the parents; and should such enquiry prove them to have been guilty either of wilful neglect, or of the encouragement of crime, by any means, in such case that they should in a measure share the punishment. The penalty on their part should consist of a compulsory payment towards the maintenance of the culprit, as before proposed, *during the term of his penal treatment*. The proportion to be paid, should,

* M. Le Vicomte de Melun, although Président de la Société d'économie charitable de Paris, wisely urges the necessity of attending to this point.—“Lorsqu'un enfant tombe sous la vindicte des lois, il faut qu'il soit puni. Lorsque la main de la justice s'appesantit sur lui, cette main, parce qu'il est jeune, parce qu'il a été entraîné doit être douce, mais toujours faut-il qu'elle frappe. Il ne faut pas qu'elle caresse.” And M. Moreau-Christophe, although a zealous Advocate in France for “les colonies agricoles,” forcibly insists on penal discipline for the children of Paris. Speaking of them he says—“Placez ces enfants dans une colonie agricole, et ce sera bientôt une colonie de petits bandits !”

I think, be regulated by circumstances, and fixed by the authority when sentence is passed upon the offender. I lay an emphasis upon the payment for *punishment*, because, I feel sure that this would be far more repugnant to a vicious parent, than if the fine were imposed more evidently for the child's improvement in some refuge or school. Many a wicked father is not destitute of natural affection, and if the worldly advantage of his offspring should be in his estimation promoted by the penalty, it would be paid with less reluctance. Benefits, of such a kind, must almost necessarily result from any treatment of juvenile delinquents, and the carel  ss, if not the criminal parent, might be inclined to purchase these advantages, instead of endeavouring to prevent offences; might be willing to pay for the future welfare of the offender, and thus to free himself from trouble, responsibility, and further expense. Evils such as these would be averted if conviction were immediately followed by some decided, though not severe penal discipline, and the cost of that punishment, wholly or in part, exacted from the parent. The negligent and the guilty look to present suffering, and can seldom discern its future advantage.

I have already contended for some period of separate confinement for young offenders. To the plan pursued of subjecting the boys of Paris to some term of separation in La Roquette must be primarily attributed the success of Mettray. The four months' preliminary separate confinement at Parkhurst ac-

counts for the improved results of that establishment. Let six months, or in some few cases a shorter term, be spent in seclusion, with coarse and sufficient, but not excessive diet, and constant instruction ; and let this punishment be followed by a less painful, but still corrective discipline, and few will relapse.

But let not the receptacle for these young offenders be called a *prison*. The very term stamps the character of the inmate, and takes away self-respect. Their faults must not be classed with the offences of adults, nor the place of their legal expiation bear a like name. REFORMATORY is the term which will imply their purpose, and whilst detracting less from the character, will be *truly* descriptive.

Supposing the young offender to have spent six months in seclusion, interrupted only by the visits of instructors, and by such a portion of out-door employment as may be needful to promote or preserve sound health ; let him not then be dismissed to his miserable home, his former profligate companions, his weak or vicious parents, or, I repeat, we may with almost certainty calculate upon his re-committal. But let the REFORMATORY lead to a REFUGE from evil so malignant. Let this be a home of comparative comfort, a school of industry, and of continued religious instruction : let there be still some restraint ; bounds which must not for a time be passed, but ever shewing beyond them a prospect bright and inviting, the entrance upon which must depend upon improvement. Let Mettray be in many respects our

model. We may adapt circumstances to the differences of national character. We may avoid its defects, but if we take advantage of what is wise and judicious, surely we may expect the like success. England has never yet beheld such happy results of penal legislation, because she has never enough severed her young offenders from their associates in vice ; has not sufficiently strengthened them by religious instruction, nor sheltered those recovering from moral sickness. These three duties are connected, and must be performed : the attempts to effect permanent correction must still fail, unless these requirements be afforded.

Some attention has recently been directed to agricultural schools, which have been formed in a few districts. The profit which has hitherto followed their establishment, I trust may cause their rapid extension.

I proceed to give a concise description of one of these, established by the Guardians of the Bridgenorth Union in Shropshire, through the exertions of a gentleman in the neighbourhood.*

This school contains about thirty boys, and as many girls—one-third of whom are between ten and fourteen years of age. The occupations of the boys, under a good and intelligent master, are gardening

* An interesting pamphlet more particularly describing this school was published a few months since by the Rev. Sydney Turner and T. Paynter, Esq., who inspected it subsequently to their visit to Mettray.

and agriculture. They are healthful and well instructed. Under kind discipline they are said to be most attentive, and pursue their employments with much cheerfulness. The following is the daily routine, somewhat varied by circumstances, but sufficiently observed :—

“ They rise at five in summer, and about seven in winter.

“ Before breakfast, they work in the fields, clean the house, prepare the food, &c.

“ From nine till twelve, they attend school, and are instructed in reading, writing, cyphering, religious knowledge, and a little geography.

“ In the afternoons, they work in the fields.

“ The evenings are spent in stocking-knitting and straw plaiting, varied by reading, singing, or the telling of some useful story by the master.

“ They go to bed about nine.

“ In fine weather, if there is much work to be done on the farm, the morning instruction in school is omitted. In wet weather, or when out-door occupation is slack, the boys attend school twice a-day.”

To increase the interest, and to stimulate industry, small plots of ground are given to the best conducted boys, which they cultivate, and the produce of which is sold, and forms a fund to assist them when leaving the school. Thus they obtain a practical knowledge; and as the reports of Mettray tell us the boys who have been in that establishment

are sought after in the measure of frugality readily find commitment when recommended and keep the places they mean.*

Although the children are in the best school and economy is not studied in the measure of comfort and general improvement, the results have not been a pecuniary profit either at any time have been deficient.

May not institutions similar to the existing on a larger scale improve the young offender who has been punished and partially reformed carrying forward and improving the process of moral and religious education and improving training which has been begin during the last year experience.

It is then submitted that upon the reformation of every offender under fourteen years of age of the next season times of the reformation of a comparatively light offense such a reformation should be passed upon him as would impose a reformation discipline for a term of years—the term of years (as determined by the term of the offense) to be passed in separate confinement in a last season term. That subsequently he be released from the school in which continued instruction shall be accompanied by agricultural or other occupations.

* A letter which I have just now received from the voluntary gentleman who originated the school contains the above statements and shows me that he thinks of the children, whom I have now found it after all a not a recommend the system.

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are sought after, so the scholars of Bridgenorth readily find employment when recommended, and keep the places they obtain.*

Although the children are by no means stinted, and economy is not studied at the sacrifice of comfort and general improvement, yet hitherto there has been a pecuniary profit derived after all expenses have been defrayed.

May not institutions similar to this, established on a larger scale, protect the young offender who has been punished and partially corrected, carrying forward and completing that process of moral and religious education, and industrial training, which has been begun during his more penal detention?

It is then submitted that upon the conviction of every offender under fourteen years of age of any of the more heinous crimes, or the re-conviction for a comparatively light offence, such a sentence should be passed upon him as would subject to corrective discipline for a term of years—the first few months (as determined by the nature of the crime) to be passed in separate confinement in a REFORMATORY. That subsequently he be detained in some REFUGE or SCHOOL, in which continued instruction shall be accompanied by agricultural, or other occupation,

* A letter which I have just now received from the benevolent gentleman who originated this school, confirms the above statements, and assures me that the conduct of the children, where it has been traced in after life, is such as to recommend the system.

until it is believed such education has been effectual, and habits of industry formed. But should the convict, during his legal detention, either abscond, or otherwise misconduct himself, that he be, in such case, re-committed to his former place of more penal treatment.

And further, that upon the conviction of such an offender, some investigation into the character and conduct, and circumstances of the parent or legal protector be instituted ; and if either guilt or neglect be proved against him, that he be sentenced to pay a certain proportion of the expense attending the punishment of the child whilst in *separate confinement*.

END OF VOL. I.





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